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Telecommunication

47

PARTS 40 TO 69

Revised as of October 1, 1990

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PARTS 40 TO 69

Revised as of October 1, 1990

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Table of Contents

Page

Explanation v

Title 47:

Chapter I—Federal Communications Commission (Continued) 3

Finding Aids:

Table of CFR Titles and Chapters 267

Alphabetical List of Agencies Appearing in the CFR 283

Table of OMB Control Numbers 292

List of CFR Sections Affected 295

Cite this Code: CFR

To cite the regulations in this volume use title, part and section number. Thus, 47 CFR 41.1 *refers to title 47, part 41, section 1.*

Explanation

The Code of Federal Regulations is a codification of the general and permanent rules published in the Federal Register by the Executive departments and agencies of the Federal Government. The Code is divided into 50 titles which represent broad areas subject to Federal regulation. Each title is divided into chapters which usually bear the name of the issuing agency. Each chapter is further subdivided into parts covering specific regulatory areas.

ISSUE DATES

Each volume of the Code is revised at least once each calendar year and issued on a quarterly basis approximately as follows:

Title 1 through Title 16... as of January 1
Title 17 through Title 27... as of April 1
Title 28 through Title 41... as of July 1
Title 42 through Title 50... as of October 1

The appropriate revision date is printed on the cover of each volume.

LEGAL STATUS

The contents of the Federal Register are required to be judicially noticed (44 U.S.C. 1507). The Code of Federal Regulations is prima facie evidence of the text of the original documents (44 U.S.C. 1510).

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OMB CONTROL NUMBERS

The Paperwork Reduction Act of 1980 (Pub. L. 96-511) requires Federal agencies to display an OMB control number with their information collection request. Many agencies have begun publishing numerous OMB control numbers as amendments to existing regulations in the CFR. These OMB numbers are placed as close as possible to the applicable recordkeeping or reporting requirements.

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A subject index to the Code of Federal Regulations is contained in a separate volume, revised annually as of January 1, entitled CFR Index and Finding Aids. This volume contains the Parallel Table of Statutory Authorities and Agency Rules (Table I), and Acts Requiring Publication in the Federal Register (Table III). A list of CFR titles, chapters, and parts and an alphabetical list of agencies publishing in the CFR are also included in this volume.

An index to the text of "Title 3—The President" is carried within that volume.

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REPUBLICATION OF MATERIAL

There are no restrictions on the republication of material appearing in the Code of Federal Regulations.

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For a summary, legal interpretation, or other explanation of any regulation in this volume, contact the issuing agency. Inquiries concerning editing procedures and reference assistance with respect to the Code of Federal Regulations may be addressed to the Director, Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408 (telephone 202-523-3517). Sales are handled exclusively by the Superintendent of Documents, Government Printing Office, Washington, DC 20402 (telephone 202-783-3238).

Martha L. Girard,
Director,
Office of the Federal Register.

October 1, 1990.

THIS TITLE

Title 47—TELECOMMUNICATION is composed of five volumes. The parts in these volumes are arranged in the following order: Parts 0-19, Parts 20-39, Parts 40-69, Parts 70-79, and Part 80 to End, Chapter I—Federal Communications Commission. The last volume, Part 80 to End, also includes Chapter II—Office of Science and Technology Policy and National Security Council, and Chapter III—National Telecommunications and Information Administration, Department of Commerce. The contents of these volumes represent all current regulations codified under this title of the CFR as of October 1, 1990.

Part 73 contains a numerical designation of FM broadcast channels (§ 73.201) and a table of FM allotments designated for use in communities in the United States, its territories, and possessions (§ 73.202). Part 73 also contains a numerical designation of television channels (§ 73.603) and a table of channel assignments to listed communities in the United States, its territories, and possessions (§ 73.606).

The OMB control numbers for the Federal Communications Commission, appear in § 0.408 of Chapter I. For the convenience of the user § 0.408 is reprinted in the Finding Aids section of the second, third, fourth, and fifth volumes.

Redesignation tables for Chapter I—Federal Communications Commission appear in the Finding Aids section of the two volumes containing Parts 20-39, and Part 80 to End. A Cross Reference table appears in the Finding Aids section of the volume containing Part 80 to End.

For this volume, Kent H. Giles was Chief Editor. The Code of Federal Regulations publication program is under the direction of Richard L. Claypoole, assisted by Alomha S. Morris.

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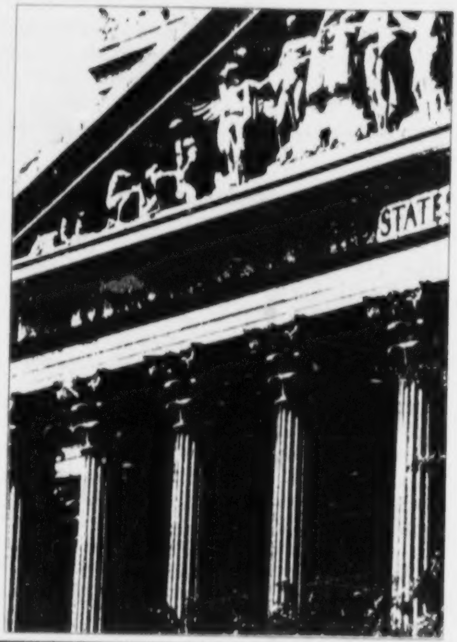

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Title 47—

Telecommunication

(This book contains Parts 40 to 69)

Part

CHAPTER I—Federal Communications Commission (Continued) 41

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION (Continued)

(Parts 40 to 69)

SUBCHAPTER B—COMMON CARRIER SERVICES—(CONTINUED)

Part — *Page*

41 Telegraph and telephone franks 4

42 Preservation of records of communication common carriers 5

43 Reports of communication common carriers and certain affiliates 7

61 Tariffs 16

62 Applications to hold interlocking directorates 36

63 Extension of lines and discontinuance of service by carriers and grants of recognized private operating agency status 39

64 Miscellaneous rules relating to common carriers 60

65 Interstate rate of return prescription procedures and methodologies 76

66 Applications relating to consolidation, acquisition, or control of telephone companies 90

68 Connection of terminal equipment to the telephone network 93

69 Access charges 239

Cross Reference:

Excise taxes on communications services and facilities: Internal Revenue, 26 CFR Part 49.

Supplemental Publications:

Annual Reports of the Federal Communications Commission to Congress.

Federal Communications Commission Reports of Orders and Decisions.

Communications Act of 1934 (*with amendments and index thereto*), *Recap. Version, May 1989.*

Study Guide and Reference Material for Commercial Radio Operator Examinations, May 1987 edition.

SUBCHAPTER B—COMMON CARRIER SERVICES (CONTINUED)

PART 41—TELEGRAPH AND TELEPHONE FRANKS

DEFINITIONS

Sec.
41.1 Definition of terms as used in this part.

GENERAL APPLICATION OF RULES

41.11 Services to which rules apply.
41.12 Persons to whom rules apply.
41.13 Carriers, services, and persons to which rules do not apply.

LIMITATION AND FORM OF ISSUANCE

41.21 Amount of free service permitted.
41.22 Name of person.

ADMINISTRATIVE REGULATIONS

41.31 Records to be maintained and reports to be filed.
41.32 Existing franks not conforming declared void.

AUTHORITY: Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 210, 48 Stat. 1073, as amended (47 U.S.C. 210).

SOURCE: 28 FR 13200, Dec. 5, 1963, unless otherwise noted.

DEFINITIONS

§ 41.1 Definition of terms as used in this part.

As used in this part:

(a) The term "frank" means any authority which authorizes free, or partially free, service.

(b) The term "families" means the wives, husbands, minor children, and other dependents of the officers, employees, or agents permitted to receive and use franks, but no other person.

(c) The terms "officer," "agent," and "employee" include furloughed, pensioned, and superannuated officers, agents, and employees.

GENERAL APPLICATION OF RULES

§ 41.11 Services to which rules apply.

Franks valid for interstate or foreign telegraph or telephone service may be issued or used and free service may be rendered only in accordance with the provisions in this part.

§ 41.12 Persons to whom rules apply.

Full time officers, agents, and employees, and their families, of railroad companies, merchant ship companies, motor bus companies, air transport companies, telephone companies, telegraph companies, sleeping car companies, express companies, and pipeline companies (common carriers not subject to the Communications Act of 1934, as amended), may, at the discretion of carriers subject to the Act, receive at less than regularly established rates applicable to the service rendered.

§ 41.13 Carriers, services, and persons to which rules do not apply.

The rules in this part shall not apply to:

(a) Services rendered pursuant to lawful contracts for exchange of services under section 201(b) of the Act and which contracts are filed with the Commission, any free service rendered by a cable company pursuant to any obligation of its landing license, or any service rendered pursuant to any rule or order issued under the authority transferred by section 601 of the Act.

(b) Except as provided in this part, services rendered in connection with situations involving the safety of life and property, including hydrographic reports, weather reports, reports regarding aids to navigation and medical assistance to injured or sick persons on ships and aircraft at sea, as provided in section 359(e) of the Act, or in furnishing of reports of positions of ships at sea to newspapers of general circulation, as provided in section 201(b) of the Act.

(c) Free or concession service now or hereafter granted to officers, agents, or employees of common carriers subject to the Act, and to their families.

(d) Service rendered pursuant to the provisions of § 2.405 of this chapter.

LIMITATION AND FORM OF ISSUANCE

§ 41.21 Amount of free service permitted.

No franks shall be issued by any carrier authorizing free service to any person on which the published charges would, in the aggregate, exceed $50 in any 1 calendar year; nor shall any person use or attempt to use any frank in any calendar year for free service on which the charges at the duly published rates would, in the aggregate, exceed $50.

§ 41.22 Name of person.

Each frank shall be issued by a duly authorized officer of the carrier granting the privilege and shall show the name of the person to whom it is issued; and it shall be valid only for service rendered that person.

ADMINISTRATIVE REGULATIONS

§ 41.31 Records to be maintained and reports to be filed.

Common carriers subject to the Act shall maintain records and file reports as follows:

(a) Each such carrier shall maintain its records in such manner as to reflect at all times the name and address of every person holding a telegraph or telephone frank and the office, employment or relationship held by each such person entitling him to a frank; and each such carrier shall keep such basic records as would enable it, if ordered by the Commission, to compile a statement for the last preceding calendar year prior to such order or for any other period during which it is required by other rules to retain such records, showing the above information together with the number of franked communications handled under each frank during such period and the aggregate charges in dollars which would have accrued to the carrier for all of the free service rendered under each frank during such period if charges for all such communications had been collected at the published tariff rates.

(b) With respect to the communications referred to in § 41.13 every carrier subject to the Act shall maintain its records in such a manner as to show the number of each class of such communications handled free of charge: *Provided*, That with respect to personal telephone calls of officers, agents, or employees of common carriers subject to the Act made free of charge or at reduced rates from telephone company official stations it shall be sufficient, in lieu of such record maintenance, if the carrier be at all times prepared, upon appropriate request, to make studies which will show the number of each class of such communications handled free of charge or at reduced rates.

(c) Each such carrier shall maintain its records in such a manner as to show the number of reports of positions of ships at sea furnished to newspapers of general circulation without charge, or at nominal charges, as authorized in section 201(b) of the Act.

§ 41.32 Existing franks not conforming declared void.

All outstanding franks which do not conform to the rules in this part shall be void after August 11, 1939.

PART 42—PRESERVATION OF RECORDS OF COMMUNICATION COMMON CARRIERS

APPLICABILITY

Sec.
42.01 Applicability.

GENERAL INSTRUCTIONS

42.1 Scope of the regulations in this part.
42.2 Designation of a supervisory official.
42.3 Protection and storage of records.
42.4 Index of records.
42.5 Preparation and preservation of reproductions of original records.
42.6 Retention of telephone toll records.
42.7 Retention of other records.

AUTHORITY: Sec. 4(i), 48 Stat. 1066, as amended, 47 U.S.C. 154(i). Interprets or applies secs. 219 and 220, 48 Stat. 1077-78, 47 U.S.C. 219, 220.

SOURCE: 51 FR 32653, Sept. 15, 1986, unless otherwise noted.

APPLICABILITY

§ 42.01 Applicability.

This part prescribes the regulations governing the preservation of records of communication common carriers that are fully subject to the jurisdiction of the Commission.

GENERAL INSTRUCTIONS

§ 42.1 Scope of the regulations in this part.

(a) The regulations in this part apply to all accounts, records, memoranda, documents, papers, and correspondence prepared by or on behalf of the carrier as well as those which come into its possession in connection with the acquisition of property, such as by purchase, consolidation, merger, etc.

(b) The regulations in this part shall not be construed as requiring the preparation of accounts, records, or memoranda not required to be prepared by other regulations, such as the Uniform System of Accounts, except as provided hereinafter.

(c) The regulations in this part shall not be construed as excusing compliance with any other lawful requirement for the preservation of records.

§ 42.2 Designation of a supervisory official.

Each carrier subject to the regulations in this part shall designate one or more officials to supervise the preservation of its records.

§ 42.3 Protection and storage of records.

The carrier shall protect records subject to the regulations in this part from damage from fires, and other hazards and, in the selection of storage spaces, safeguard the records from unnecessary exposure to deterioration.

§ 42.4 Index of records.

Each carrier shall maintain at its operating company headquarters a master index of records. The master index shall identify the records retained, the related retention period, and the locations where the records are maintained. The master index shall be subject to review by Commission staff and the Commission shall reserve the right to add records, or lengthen retention periods upon finding that retention periods may be insufficient for its regulatory purposes. When any records are lost or destroyed before expiration of the retention period set forth in the master index, a certified statement shall be added to the master index, as soon as practicable, listing, as far as may be determined, the records lost or destroyed and describing the circumstances of the premature loss or destruction. At each office of the carrier where records are kept or stored, the carrier shall arrange, file, and currently index the records on site so that they may be readily identified and made available to representatives of the Commission.

§ 42.5 Preparation and preservation of reproductions of original records.

(a) Each carrier may use a retention medium of its choice to preserve records in lieu of original records, provided that they observe the requirements of paragraphs (b) and (c) of this section.

(b) A paper or microfilm record need not be created to satisfy the requirements of this part if the record is initially prepared in machine-readable medium such as punched cards, magnetic tapes, and disks. Each record kept in a machine-readable medium shall be accompanied by a statement clearly indicating the type of data included in the record and certifying that the information contained in it has been accurately duplicated. This statement shall be executed by a person duplicating the records. The records shall be indexed and retained in such a manner that they are easily accessible, and the carrier shall have the facilities available to locate, identify and reproduce the records in readable form without loss of clarity.

(c) Records may be retained on microfilm provided they meet the requirements of the Federal Business Records Act (28 U.S.C. 1732).

§ 42.6 Retention of telephone toll records.

Each carrier that offers or bills toll telephone service shall retain for a period of 18 months such records as are necessary to provide the following billing information about telephone toll calls: the name, address, and telephone number of the caller, telephone number called, date, time and length of the call. Each carrier shall retain this information for toll calls that it bills whether it is billing its own toll service customers for toll calls or billing customers for another carrier.

[51 FR 39536, Oct. 29, 1986]

§ 42.7 Retention of other records.

Except as specified in § 42.6, each carrier shall retain records identified in its master index of records for the period established therein. Records relevant to complaint proceedings not already contained in the index of records should be added to the index as soon as a complaint is filed and retained until final disposition of the complaint. Records a carrier is directed to retain as the result of a proceeding or inquiry by the Commission to the extent not already contained in the index will also be added to the index and retained until final disposition of the proceeding or inquiry.

PART 43—REPORTS OF COMMUNICATION COMMON CARRIERS AND CERTAIN AFFILIATES

NOTE: Amendments to Annual Report Forms M, O, and R, Monthly Report 901 for telephone companies, Schedules 408A and 408B appear at 34 FR 19196, Dec. 4, 1969; 39 FR 29919, Aug. 19, 1974; 41 FR 15699, Apr. 14, 1976; 41 FR 24886, June 21, 1976; 43 FR 16738, Apr. 20, 1978; 47 FR 58272, Dec. 30, 1982; 48 FR 5932, Feb. 9, 1983; 48 FR 10843, Mar. 15, 1983; 49 FR 887, Jan. 6, 1984; 49 FR 44296, Nov. 6, 1984; 51 FR 37024, Oct. 17, 1986.

Sec.
43.01 Applicability.
43.21 Annual reports of carriers and certain affiliates.
43.22 Quarterly reports of communication common carriers.
43.42 Reports on pensions and benefits.
43.43 Reports of proposed changes in depreciation rates.
43.51 Contracts and concessions.
43.53 Reports regarding division of international toll communication charges.
43.61 Reports of overseas telecommunications traffic.
43.72 Reports of operators in the Multipoint Distribution Service.
43.81 Reports of carriers owned by foreign telecommunications entities.

AUTHORITY: Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154, unless otherwise noted. Interpret or apply secs. 211, 219, 48 Stat. 1073, 1077, as amended; 47 U.S.C. 211, 219, 220.

§ 43.01 Applicability.

(a) The sections in this part include requirements which have been promulgated under authority of sections 211 and 219 of the Communications Act of 1934, as amended, with respect to the filing by communication common carriers and certain of their affiliates of periodic reports and certain other data, but do not include certain requirements relating to the filing of information with respect to specific services, accounting systems and other matters incorporated in other parts of this chapter.

(b) Carriers becoming subject to the provisions of the several sections of this part for the first time, should, within thirty (30) days of becoming subject, file the required data as set forth in the various sections of the part.

[28 FR 13214, Dec. 5, 1963]

§ 43.21 Annual reports of carriers and certain affiliates.

(a) Communication common carriers having annual operating revenues in excess of $100 million, licensees in the Domestic Public Land Mobile Radio Service, Licensees in the Domestic Public Point-to-Point Microwave Radio Service who are miscellaneous common carriers as defined by § 21.1 of this chapter, communication common carriers operating to overseas points having annual operating revenues in excess of $50,000, and certain companies (as indicated in paragraph (c) of this section) directly or indirectly controlling such carriers shall file with the Commission annual reports as provided in this section. Except as provided in paragraphs (c), (e), and (f) of this section, each annual report required by this section shall be filed not later than March 31 of each year, covering the preceding calendar year. It shall be filed on the appropriate report form prescribed by the Commission (see § 1.785 of this chapter) and shall contain full and specific answers to all questions propounded and information requested in the currently effective report forms. The number of copies to be filed shall be as specified in the applicable report form. At least one copy of the report shall be signed on the signature page by the responsible accounting officer. A copy of each annual report shall be retained in the principal office of the respondent and shall be filed in such manner as to be readily available for reference and inspection.

(b) Each communication common carrier that has separate departments or divisions for the conduct of its common carrier operations and its noncarrier activities, shall file with the Commission a supplemental annual report with respect to its common carrier operations, exclusively, and a supplemental annual report applicable only to its non-carrier operations. Each such report shall be prepared on the basis of the accounting performed for the respective departments prior to elimination of intracompany items and shall be accompanied by a statement of consolidation and eliminations or other explanation showing how the consolidated report submitted in compliance with paragraph (a) of this section was developed. Each such supplemental report shall be completed in its entirety wherever applicable to the respective departments, except that any schedule or statement that would be an exact duplicate of the corresponding schedule or statement in the consolidated report may be omitted from the supplemental report if proper annotation is made.

(c) Each company, not of itself a communication common carrier, that directly or indirectly controls any communication common carrier having annual revenues in excess of $2,500,000 shall file annually with the Commission, not later than the date prescribed by the Securities and Exchange Commission for its purposes, two complete copies of any annual report Forms 10-K (or any superseding form) filed with that Commission.

(d) Each miscellaneous common carrier (as defined by § 21.1 of this chapter) with operating revenues over $100 million for a calendar year shall file by letter to the Common Carrier Bureau Chief data showing its operating revenues for that year and the value of its total communications plant at the end of that year. This letter must be filed by March 31 of the following year.

(e) Each communications common carrier required by order to file a manual allocating its costs between regulated and nonregulated operations shall file, on or before April 1:

(1) A three-year forecast of regulated and nonregulated use of network plant for the current calendar year and the two calendar years following, and investment pool projections and allocations for the current calendar year; and

(2) A report of the actual use of network plant investment for the prior calendar year.

(f) Each local exchange carrier with annual operating revenues of $100 million or more shall file, no later than April 1 of each year, reports showing:

(1) Its revenues, expenses and investment for all accounts established in Part 32 of this chapter, on an operating company basis,

(2) The same Part 32 of this chapter, on a study area basis, with data for regulated and nonregulated operations for those accounts which are related to the carrier's revenue requirement, and

(3) The separations categories on a study area basis, with each category further divided into access elements and a nonaccess interstate category.

[28 FR 13214, Dec. 5, 1963, as amended at 49 FR 10122, Mar. 19, 1984; 50 FR 41153, Oct. 9, 1985; 51 FR 37024, Oct. 17, 1986; 52 FR 35918, Sept. 24, 1987; 53 FR 47819, Nov. 28, 1988; 54 FR 49762, Dec. 1, 1989]

§ 43.22 Quarterly reports of communication common carriers.

(a) Each local exchange carrier with operating revenues for the preceding year of $100 million or more shall file, by March 31, June 30, September 30 and December 31 of each year, a report showing for the previous calendar quarter its revenues, expenses, taxes, plant in service, other investment and depreciation reserves, and such other data as is required by the Commission, on computer media prescribed by the Commission. The total operating results shall be allocated between regulated and nonregulated operations, and the regulated data shall be further divided into the following categories: State and interstate, and the interstate will be further divided into common line, traffic sensitive access, special access and nonaccess.

(b) Each designated interstate carrier with operating revenues for the preceding year of $100 million or more shall file, by March 31, June 30, September 30, and December 31 of each year, a report showing for the previous calendar quarter its revenues, expenses, taxes, plant in service, other investment and depreciation reserves, and such other data as is required by the Commission on computer media prescribed by the Commission. The total operating results shall be allocated between regulated and nonregulated operations, and the regulated data shall be further divided into the following categories: State and interstate, and the interstate, will be further divided into the major services.

[52 FR 35919, Sept. 24, 1987, as amended at 54 FR 44197, Nov. 2, 1988]

§ 43.42 Reports on pensions and benefits.

(a) Each communication common carrier with annual operating revenues of $100 million or more and which has been found by this Commission to be a dominant carrier with respect to any communications service shall, within thirty (30) days after the adoption of a plan (or within thirty (30) days of first becoming subject to this section, if such carrier has adopted a plan), furnish the Commission with the following information (see, however, § 43.01):

(1) A copy of the text (or if a text does not exist, a comprehensive outline) of each plan adopted by the respondent (or to which the respondent is a party) covering pensions or annuities, sick benefits, disability benefits, death benefits, termination allowances, life insurance, or any other benefit paid or payable, other than those required by law and other than those (excluding pensions and annuities) contracted for with a nonaffiliated insurance company, to active, retired, or former employees or to their representatives or beneficiaries, the cost of which is borne in whole or in part by the respondent, together with the effective date thereof;

(2) The facts, if any, that, in the respondent's judgment, establish a contractual relationship requiring the payment of any pensions or benefits under any plan reportable under this section;

(3) A copy of each declaration of trust or other arrangement under which any pension or benefit fund has been established;

(4) A statement explaining in detail the actuarial or other basis for determining the amounts to be paid into a trust or other similar fund that has been established to provide for future pension or benefit payments;

(5) The plan of accounting for each type of pension and benefit paid or to be paid for which provision has been made or is being made in the accounts.

(b) In the event of a change (including abolishment) in any item specified in paragraph (a) of this section, the carrier shall, within thirty (30) days after the date of adoption of such change, file with the Commission a supplemental statement with respect to the change: *Provided, however,* That, in the event a change is proposed, or has been made, with respect to pensions accounted for on the accrual basis (except those covered by contracts with insurance companies) that will involve or produce changes in the amounts periodically entering any account for any reason other than a change in the amount of a payroll, a supplemental statement covering the proposed changes and indicating the estimated effect upon the accounts shall unless otherwise directed or approved by the Commission, be filed at least thirty (30) days prior to the last day of the month in which the effect of the changes are first to be reflected in the accounts.

(c) Nothing in this section shall be construed as in any way modifying the requirements of any uniform system of accounts prescribed by the Commission.

[28 FR 13214, Dec. 5, 1963, as amended at 33 FR 17687, Nov. 27, 1968; 53 FR 49987, Dec. 13, 1988]

§ 43.43 Reports of proposed changes in depreciation rates.

(a) Each communication common carrier with annual operating revenues of $100 million or more and which has been found by this Commission to be a dominant carrier with respect to any communications service shall, before making any change in the depreciation rates applicable to its operated plant, file with the Commission a report furnishing the data described in the subsequent paragraphs of this section, and also comply with the other requirements thereof.

(b) Each such report shall contain the following:

(1) A schedule showing for each class and subclass of plant (whether or not the depreciation rate is proposed to be changed) an appropriate designation therefor, the depreciation rate currently in effect, the proposed rate, and the service-life and net-salvage estimates underlying both the current and proposed depreciation rates;

(2) An additional schedule showing for each class and subclass, as well as the totals for all depreciable plant, (i) the book cost of plant at the most recent date available, (ii) the estimated amount of depreciation accruals determined by applying the currently effective rate to the amount of such book cost, (iii) the estimated amount of depreciation accruals determined by applying the rate proposed to be used to the amount of such book cost, and (iv) the difference between the amounts determined in paragraphs (b)(2) (ii) and (iii) of this section;

(3) A statement giving the reasons for the proposed change in each rate;

(4) A statement describing the method or methods employed in the development of the service-life and salvage estimates underlying each proposed change in a depreciation rate; and

(5) The date as of which the revised rates are proposed to be made effective in the accounts.

(c) When the change in the depreciation rate proposed for any class or subclass of plant (other than one occasioned solely by a shift in the relative investment in the several subclasses of the class of plant) amounts to twenty percent (20%) or more of the rate currently applied thereto, or when the proposed change will produce an increase or decrease of one percent (1%) or more of the aggregate depreciation charges for all depreciable plant (based on the amounts determined in compliance with paragraph (b)(2) of this section), the data required by paragraph (b) of this section shall be supplemented by copies of the underlying studies, including calculations and charts, developed by the carrier to support service-life and net-salvage estimates: *Provided, however,* That if compliance with this requirement involves submittal of a large volume of data of a repetitive nature, only a fully illustrative portion thereof need be filed.

(d) Each report shall be filed in duplicate and the original shall be signed by the responsible official to whom correspondence related thereto should be addressed.

(e) Unless otherwise directed or approved by the Commission, the following shall be observed: Proposed changes in depreciation rates shall be filed at least ninety (90) days prior to the last day of the month with respect to which the revised rates are first to be applied in the accounts (e.g., if the new rates are to be first applied in the depreciation accounts for September, they must be filed on or before July 1); and such rates may be made retroactive to a date not prior to the beginning of the year in which the filing is made: *Provided, however,* That in no event shall a carrier for which the Commission has prescribed depreciation rates make any changes in such rates unless the changes are prescribed by the Commission.

(f) Any changes in depreciation rates that are made under the provisions of paragraph (e) of this section shall not be construed as having been approved by the Commission unless the carrier has been specifically so informed.

[28 FR 13214, Dec. 5, 1963, as amended at 30 FR 3223, Mar. 9, 1965; 53 FR 49987, Dec. 13, 1988]

§ 43.51 Contracts and concessions.

(a) Any communications common carrier engaged in domestic or foreign communication, or both, which has not been classified as non-dominant pursuant to § 61.21(e) of the Commission's Rules, 47 CFR 61.12(e), is not treated under the regulatory forbearance policies established by the Commission, and which enters into a contract with another carrier must file with the Commission, within thirty (30) days of execution, a copy of each contract, agreement, concession, license, authorization or other arrangement to which it is a party and amendments thereto with respect to the following: (1) The exchange of services; (2) except as provided in paragraph (c) of this section, the interchange or routing of traffic and matters concerning rates, division of tolls, or the basis of settlement of traffic balances; and (3) the rights granted to the carrier by any foreign government for the landing, connection, installation, or operation of cables, land lines, radio stations, offices, or for otherwise engaging in communication operations.

(b) If the agreement referred to in this section is made other than in writing, a certified statement covering all details thereof must be filed by at least one of the parties to the agreement. Each other party to the agreement which is also subject to these provisions may, in lieu of also filing a copy of the agreement, file a certified statement referencing the filed document. The Commission may, at any time and upon reasonable request, require any communication common carrier classified as non-dominant and treated with forbearance, and therefore not subject to the provisions of this section, to submit the documents referenced herein.

(c) With respect to contracts coming within the scope of paragraph (a)(2) of this section between subject telephone carriers and connecting carriers, except those contracts related to communications with foreign or overseas points, such documents shall not be filed with the Commission; but each subject telephone carrier shall maintain a copy of such contracts to which it is a party in appropriate files at a central location upon its premises, copies of which shall be readily accessible to Commission staff and members of the public upon reasonable request therefor; and upon request by the Commission, a subject telephone carrier shall promptly forward individual contracts to the Commission.

[51 FR 45890, Dec. 23, 1986]

§ 43.53 Reports regarding division of international toll communication charges.

(a) Each communication common carrier engaged directly in the transmission or reception of telegraph communications between the continental United States and any foreign country (other than one to which the domestic word-count applies) shall file a report with the Commission within thirty (30) days of the date of any arrangement concerning the division of the total telegraph charges on such communications other than transiting. A carrier first becoming subject to the provisions of this section must, within thirty (30) days thereafter, file with the Commission a report covering any such existing arrangements.

(b) In the event that any change is made which affects data previously filed, a revised page incorporating such change or changes must be filed with the Commission not later than thirty (30) days from the date the change is made, provided, however, that any change in the amount of foreign participation in charges for outbound communications or in the respondent's participation in charges for inbound communications must be filed not later than thirty (30) days from the date the change is agreed upon.

(c) A single copy of each such report must be filed in a format that contains a clear, concise and definite statement of the arrangements.

[51 FR 45891, Dec. 23, 1986, as amended at 52 FR 8453, Mar. 18, 1987]

§ 43.61 Reports of overseas telecommunications traffic.

(a) For the purposes of this section—

(1) Telecommunications service between the continental United States and overseas points means the transmission or reception of communications by cable or radio (i) which originate or terminate at points within the area comprising the continental United States and Alaska and terminate or originate at points located out-

side the area comprising the continental United States, Alaska, Canada, Saint Pierre-Miquelon, Mexico and off-shore U.S. points, and (ii) which both originate and terminate outside but transit the continental United States or Alaska, except communications both originating and terminating at points located in the aforementioned area.

(2) "Addressed press service" means the transmission of news items or other material related to or intended for publication or public dissemination addressed to one or more persons named as subscribers to such service in accordance with § 23.53 of this chapter at one or more points of communication for which a charge is collected on a contract-time basis, and the reception of similar transmissions from abroad.

(3) "Chargeable words or minutes" means the number of words or minutes used to compute the charge for the communication handled, and shall include in all cases the minimum word or minute count where the communication handled is less than such minimum.

(4) "Continental United States" means the 48 contiguous states and the District of Columbia.

(5) "Facsimile, cablephoto, or radiophoto service" means the transmission or reception of a facsimile reproduction of a picture or document for which a charge is collected on the basis of the size in square centimeters or square inches or other similar measurements.

(6) "Leased channel or private line service" means the leasing of a channel of communication on a contract-time basis for the purposes of a customer-operated closed-circuit overseas telecommunication line, over which the customer has exclusive use, between the office of the customer and the office of a particular overseas correspondent of the customer.

(7) "Message telegraph service" means the transmission and reception of record matter for which the transmission is not directly controlled by the sender and for which a charge is collected on a per-word basis, and includes all categories of messages and the classes thereunder which are available to the public, governments, and press entities.

(8) "Message telephone service" means the transmission and reception of speech for which a charge is collected on a per-call basis, and does not include telephone service offered on a private basis where the user has exclusive use of the facilities for a contracted period of time.

(9) "Overseas point" means: (i) For reports required by paragraph (b) of this section, any country or point located outside the area comprising the continental United States, Alaska, Canada, Saint Pierre-Miquelon, Mexico and off-shore U.S. points; and (ii) for reports required by paragraph (c) of this section, all points outside the particular state, territory, or possession for which a report is required.

(10) "Overseas teleprinter exchange service" means the transmission and reception of record matter (e.g., message, facsimile, and data), charged for on a per-call basis in which the transmission is directly controlled by the user.

(11) "Overseas terminal point" means: (i) In the case of radio operations, the country or area in which is located a specific point designated in the station license of the respondent carrier as one with which it is authorized to communicate; and (ii) In the case of cable operations, the country or area in which the overseas point of cable termination is located and at which traffic handled to and from the United States is originated or terminated or which is a transfer point for traffic handled to and from the United States from or to other overseas points on a transit basis with an intermediate carrier at such transfer point.

(12) "Paid traffic handled" means all communications for which charges are collected and which are actually handled over facilities operated by the respondent out of or into the continental United States or Alaska.

(13) "Photo transmission or reception service on a scheduled basis" means the transmission of a facsimile reproduction of a picture or document for reception at one or more overseas points for which a charge is collected on a contract-time basis or an occasional use basis, and the reception on

such bases of similar transmissions from abroad.

(14) "Program service" means the transmission and reception of audio program material for delivery to a broadcasting station for broadcasting to the public, or the monitoring of programs broadcast abroad, for which a charge is made on a time basis.

(15) "Revenues accruing to respondent" means the revenues from the overseas haul, consisting of total charges paid by the public for the particular service after deduction of such portions thereof as are applicable to terminal handling in the continental United States or Alaska and, where connecting or other carriers perform a part of the service, such portion paid to or retained by such connecting or other carriers: *However*, for telephone message and overseas teleprinter exchange services, revenues accruing to respondent mean the total revenues paid by the public for such services after deduction only of that portion of total revenues paid to or retained by connecting or other carriers which perform part of the service outside the continental United States or Alaska.

(16) "Occasional use television transmission and reception service" means the transmission or reception of television signals for which a charge is made on a time basis.

(17) "Transiting traffic" means: (i) For reports required by paragraph (b) of this section, communications which both originate and terminate outside but transit the continental United States or Alaska except communications both originating and terminating in the area comprising Canada, Saint Pierre-Miquelon, Mexico and off-shore U.S. points; and (ii) for reports required by paragraph (c) of this section, communications which originate and terminate outside but transit the particular state, territory, or possession for which a report is required.

(18) "United States" includes the fifty states, the District of Columbia, and overseas possessions and territories.

(b) Each common carrier engaged in furnishing telecommunications service between the continental United States or Alaska, and overseas points shall file with the Commission a report in triplicate with respect to such overseas telecommunications, not later than July 31 of each year for the preceding period of January through December, as provided hereafter in this section.

(c) Each common carrier engaged in furnishing telecommunications service between a United States point outside the continental United States and Alaska, and overseas points shall file with the Commission a report in triplicate with respect to such overseas telecommunications not later than July 31 of each year for the preceding period of January through December. This report shall contain the information required by paragraphs (f)(1)(ii), (2)(ii), (3)(ii), and (9) of this section, excluding leased channel service with the continental United States or Alaska. In applying such paragraphs and definitions contained in paragraph (a) of this section, the state, territory, or possession for which the report is made should be substituted for the words, "continental United States or Alaska"; when applicable.

(d) Each reporting carrier shall submit a revised report by October 31 identifying and correcting any inaccuracies set forth in the annual report exceeding five percent of the reported figure.

(e) The information required under this section shall be furnished on forms supplied by the Commission or on reproductions of such forms.

(f) The reports required by this section shall show, where applicable, the following information, separately, for outbound traffic, inbound traffic and traffic which transits the continental United States or Alaska; information totals for transiting traffic shall be reported according to the country originating the message: *Provided, however*, That the provisions with respect to the showing of transiting traffic shall not apply to paragraphs (f) (1)(ii), (2)(ii) and (3)(ii) of this section; *Provided, also*, that for each service reported, the number of messages need not be reported for transiting traffic.

(1) For message telegraph service: (i) The number of messages and chargeable words of all classes of paid traffic combined handled with each overseas point of destination or origin, and the corresponding revenues accruing to

the respondent; and for outbound traffic, the amounts of payouts to connecting carriers, other than for terminal handling in the continental United States or Alaska shall also be shown;

(ii) The number of messages and chargeable words of all classes of paid traffic combined handled with each overseas terminal point with which the respondent operates directly, segregated as to (*a*) traffic which terminates or originates at such terminal point, and (*b*) traffic which transits such terminal point; and

(iii) The total number of messages and chargeable words of paid message traffic, separately by classification (full rate, letter, press, etc.) handled with all overseas points combined, and the corresponding revenues accruing to the respondent.

(2) For message telephone service:

(i) The number of messages and chargeable minutes of all classes of paid traffic combined handled with each overseas point of destination or origin, and the corresponding revenues accruing to the respondent; and for outbound traffic, the amounts of payouts to connecting carriers, other than for terminal handling in the continental United States or Alaska, shall also be shown;

(ii) The number of messages and chargeable minutes of all classes of paid traffic combined handled with each overseas terminal point with which the respondent operates directly, segregated as to (*a*) traffic which terminates or originates at such terminal point, and (*b*) traffic which transits such terminal point; and

(iii) The total number of messages and chargeable minutes of paid message traffic, separately by classification (dayrate, person, etc.) handled with all overseas points combined, and the corresponding revenues accruing to the respondent.

(3) For overseas teleprinter exchange service:

(i) The number of messages and chargeable minutes of all paid traffic handled with each overseas point of destination or origin, and the corresponding revenues accruing to the respondent; and for outbound traffic, the amount of payouts to connecting carriers, other than for terminal handling in the continental United States or Alaska, shall also be shown;

(ii) The number of messages and chargeable minutes of all paid traffic handled with each overseas terminal point with which the respondent operates directly segregated as to (*a*) traffic which terminates or originates at such terminal point, and (*b*) traffic which transits such terminal point; and

(iii) The total amount paid out for domestic teleprinter exchange service charges on overseas telex calls.

(4) For facsimile, cablephoto, and radiophoto services:

(i) The number of messages of all paid traffic handled with each overseas point of destination or origin, and the corresponding revenues accruing to the respondent; and for outbound traffic, the amounts of payouts to connecting carriers, other than for terminal handling in the continental United States or Alaska, shall also be shown.

(5) For photo transmission or reception service on a scheduled basis:

(i) The number of chargeable minutes of all paid transmission or reception time, and the corresponding revenues accruing to the respondent.

(6) For program service:

(i) The number of chargeable minutes of all paid program service handled with each overseas point of destination or origin, and the corresponding revenues accruing to the respondent; and for outbound traffic, the amounts of payouts to connecting carriers other than for terminal handling in the continental United States of Alaska, shall also be shown.

(7) For occasional use television transmission and reception services:

(i) The number of chargeable minutes of all paid service handled with each overseas point of destination or origin, and the corresponding revenues accruing to the respondent; and, for outbound traffic, the amounts of payouts to connecting carriers other than for terminal handling in the continental United States of Alaska, shall also be shown.

(8) For addressed press service:

(i) The number of chargeable minutes of all paid addressed press service transmitted from or received in the continental United States or Alaska separately, and the corresponding revenues accruing to the respondent.

(9) For leased channel or private line service:

(i) The number of leases under which channels were furnished during the period covered by the report to (*a*) United States Government agencies, (*b*) foreign governments, (*c*) press entities, and (*d*) other users, and the associated revenues accruing to the respondent; and

(ii)(*a*) The number of leases in effect on the last day of the period covered in the report with: (*1*) United States Government agencies, (*2*) foreign governments, (*3*) press entities, and (*4*) other users, separately for cable and radio operations between the continental United States or Alaska and each overseas point;

(*b*) For each type of user, the number of leases shall be further reported as to (*1*) The number of each channel provided in each of the following ranges of transmission speeds:

(*i*) Up to 1200 bits,

(*ii*) Over 1200 bits and up to 9600 bits,

(*iii*) Over 9600 bits and up to 30 megabits/18 megahertz,

(*iv*) Over 30 megabits/18 megahertz and up to 120 megabits/72 megahertz;

(*2*) Service furnished for "Full Period" (twenty-four hours per day) and for each "Short Period" (less than twenty-four hours per day).

(10) Total amount collected from users in the continental United States or Alaska for overseas telecommunications services: (i) The total amount collected by the respondent directly from users in the continental United States or Alaska, showing (*a*) receipts from message telegraph service, (*b*) receipts from message telephone service, (*c*) receipts from overseas teleprinter exchange services, (*d*) receipts from leased channel services, (*e*) receipts from other telegraph services and (*f*) receipts from other telephone services.

(g) This section shall apply, where applicable, to any overseas telecommunications service which is not separately indentified in paragraph (f) of this section. The carriers shall list the names of such services and aggregate all revenues obtained from providing these services.

[29 FR 13816, Oct. 7, 1964, as amended at 50 FR 21614, May 28, 1985; 51 FR 4749, Feb. 7, 1986]

§ 43.72 Reports of operators in the Multipoint Distribution Service.

(a) No later than March 1 of each year for the preceding calendar year, every common carrier in the Multipoint Distribution Service shall file with the Commission two copies of a report which shall include the following:

(1) Name and address of carrier;

(2) Station(s) call letters and primary geographic service area(s);

(3) Condensed balance sheet as of the end of the calendar year, including as separate items thereon the investment in and book depreciation reserve related to the Multipoint Distribution Service plant and equipment;

(4) Condensed income statement for the calendar year showing as separate items revenues and expenses related to Multipoint Distribution Service;

(5) The following statistical information (preferably in tabular form) for the station (and each channel thereof) the carrier operates:

(i) The total number of separate subscribers served during the calendar year;

(ii) The total hours of transmission service rendered during calendar year to all subscribers;

(iii) The total hours of transmission service rendered during the calendar year in the following use categories: Entertainment, public safety, education, business training, business communication, business promotion, data transmission, and any other identified use which constituted five (5) percent or more of the total annual service offered;

(6) And, if any subscriber is affiliated with or related to the carrier in any way, the name of such subscriber, the nature of the subscriber's relationship with the carrier, and the annual hours of service provided to each subscriber.

(b) This report shall be certified as to the accuracy of the information contained therein by an appropriate corporate officer, controlling partner, or individual proprietor.

(c) A copy of each year's report shall be retained in the principal office of the carrier in the city served and shall be readily available for reference and inspection.

[39 FR 2768, Jan. 24, 1974]

§ 43.81 Reports of carriers owned by foreign telecommunications entities.

(a) The following carriers are required to file with the Commission an annual revenue and traffic report in triplicate with respect to all common carrier telecommunications services they offer within the United States.

(1) Cable and Wireless Communications, Inc.;

(2) FTCC Communications Inc.; and

(3) Consortium Communications International, Inc.;

(b) The Chief, Common Carrier Bureau has the authority to require that no more than six additional communications carriers owned by foreign telecommunications entities that are classified as dominant for the provision of international telecommunications services originating or terminating in the United States file § 43.81 reports.

(c) The report should be captioned—§ 43.81 report and should provide the following:

(1) Revenues, number of messages and number of minutes for message telephone service traffic originated and/or terminated by the filing carrier;

(2) Revenues, number of messages, and number of minutes for telex traffic originated and/or terminated by the filing carrier;

(3) Revenues, number of messages, and number of minutes for telegraph traffic originated and/or terminated by the filing carrier;

(4) Revenues, number of messages, and number of minutes for any other basic switched services (specified by service) originated and/or terminated by the filing carrier; and

(5) Number of leases and revenues from private line services provided by the filing carrier;

(d) Section 43.81 Reports for:

(1) The calendar year 1988 must be filed on or before August 1, 1989;

(2) The calendar year 1989 must be filed on or before August 1, 1990; and

(3) The calendar year 1990 must be filed on or before August 1, 1991.

(e) These reports shall apply to nine or fewer persons and therefore are not subject to the review of the Office of Management and Budget under the Paperwork Reduction Act.

[54 FR 2130, Jan. 19, 1989]

PART 61—TARIFFS

Sec.
61.1 Purpose and application.
61.2 Clear and explicit explanatory statements.

DEFINITIONS

61.3 Definitions.
61.11—61.26 [Reserved]

GENERAL RULES

61.32 Method of filing publications.
61.33 Letters of transmittal.
61.35 Delivered free of charges.
61.36 Tariff publications not returned.
61.38 Supporting information to be submitted with letters of transmittal.
61.39 Optional supporting information to be submitted with letters of transmittal for Access Tariff filings effective on or after April 1, 1989, by local exchange carriers serving 50,000 or fewer access lines in a given study area that are described as subset 3 carriers in § 69.602.
61.40 Private line rate structure guidelines.
61.41 Price cap requirements generally.
61.42 Price cap baskets and service categories.
61.43 Annual price cap filings required.
61.44 Adjustments to the PCI.
61.45 [Reserved]
61.46 Adjustments to the API.
61.47 Adjustments to the SBI; pricing bands.
61.48 Transition rules for price cap formula calculations.
61.49 Supporting information to be submitted with letters of transmittal for tariffs of carriers subject to price cap regulation.

SPECIFIC RULES FOR TARIFF PUBLICATIONS

61.52 Form, size, type, legibility, etc.
61.53 Consecutive numbering.

61.54 Composition of tariffs.
61.56 Supplements.
61.57 Cancellations.
61.58 Notice requirements.
61.59 Effective period required before changes.
61.67 New or discontinued telephone and teletypewriter service points; mileages.
61.68 Special notations.
61.69 Rejection.
61.71 Reissued matter.
61.72 Posting.
61.73 Duplication of rates or regulations.
61.74 References to other instruments.

CONCURRENCES

61.131 Scope.
61.132 Method of filing concurrences.
61.133 Format of concurrences.
61.134 Concurrences for through services.
61.135 Concurrences for other purposes.
61.136 Revocation of concurrences.

APPLICATIONS FOR SPECIAL PERMISSION

61.151 Scope.
61.152 Terms of applications and grants.
61.153 Method of filing applications.

ADOPTION OF TARIFFS AND OTHER DOCUMENTS OF PREDECESSOR CARRIERS

61.171 Adoption notice.
61.172 Changes to be incorporated in tariffs of successor carrier.

SUSPENSIONS

61.191 Carrier to file supplement when notified of suspension.
61.192 Contents of supplement announcing suspension.
61.193 Vacation of suspension order; supplements announcing same; etc.

AUTHORITY: Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 203, 48 Stat. 1070; 47 U.S.C. 203.

SOURCE: 49 FR 40869, Oct. 18, 1984, unless otherwise noted.

§ 61.1 Purpose and application.

(a) The purpose of this part is to prescribe the framework for the initial establishment of and subsequent revisions to tariff publications.

(b) Tariff publications filed with the Commission must conform to the rules in this part. Failure to comply with any provisions of this part may be grounds for rejection of the non-complying publication.

(c) No carrier required to file tariffs may provide any interstate or foreign communication service until every tariff publication for such communication service is on file with the Commission and in effect.

§ 61.2 Clear and explicit explanatory statements.

In order to remove all doubt as to their proper application, all tariff publications must contain clean and explicit explanatory statements regarding the rates and regulations.

DEFINITIONS

§ 61.3 Definitions.

(a) *Act.* The Communications Act of 1934 (48 Stat. 1004; 47 U.S.C. Chapter 5), as amended.

(b) *Actual Price Index* (API). An index of the level of aggregate rate element rates in a basket, which index is calculated pursunt to § 61.46.

(c) *Association.* This term has the meaning given it in § 69.2(d).

(d) *Band.* A zone of pricing flexibility for a service category, which zone is calculated pursuant to § 61.47.

(e) *Base period.* The 12-month period ending six months prior to the effective date of annual price cap tariffs.

(f) *Basket.* Any class or category of tariffed services:

(1) Which is established by the Commission pursuant to price cap regulation;

(2) The rates of which are reflected in an Actual Price Index; and

(3) The related costs of which are reflected in a Price Cap Index.

(g) *Change in rate structure.* A restructuring or other alternation of the rate components for an existing service.

(h) *Charges.* The price for service based on tariffed rates.

(i) *Commercial contractor.* The commercial firm to whom the Commission annually awards a contract to make copies of Commission records for sale to the public.

(j) *Commission.* The Federal Communications Commission.

(k) *Concurring carrier.* A carrier (other than a connecting carrier) subject to the Act which concurs in and assents to schedules of rates and regulations filed on its behalf an issuing carrier or carriers.

(l) *Connecting carrier.* A carrier engaged in interstate or foreign communication solely through physical connection with the facilities of another carrier not directly or indirectly controlling or controlled by, or under direct or indirect common control with, such carrier.

(m) *Corrections.* The remedy of errors in typing, spelling, or punctuations.

(n) *Dominant carrier.* A carrier found by the Commission to have market power (i.e., power to control prices).

(o) *GNP Price Index* (GNP-PI). The estimate of the "Fixed-Weighted Price Index for Gross National Product, 1982 Weights" published by the United States Department of Commerce, which the Commission designates by Order.

(p) *Issuing carrier.* A carrier subject to the Act that publishes and files a tariff or tariffs with the Commission.

(q) *Local Exchange Carrier.* A telephone company that provides telephone exchange service as defined in section 3(r) of the Act.

(r) *New service offering.* A tariff filing that provides for a class or subclass of service not previously offered by the carrier involved and that enlarges the range of service options available to ratepayers.

(s) *Non-dominant carrier.* A carrier not found to be dominant.

(t) *Other participating carrier.* A carrier subject to the Act that publishes a tariff containing rates and regulations applicable to the portion or through service it furnishes in conjunction with another subject carrier.

(u) *Price Cap Index* (PCI). An index of costs facing carriers subject to price cap regulation, which index is cal lated for each basket pursuant § 61.44.

(v) *Price cap regulation.* A meth of regulation of dominant carriers p vided in §§ 61.41 through 61.49.

(w) *Price cap tariff.* Any tariff fili involving a service that is within price cap basket, or that requires c culations pursuant to § 61.44, § 61. or § 61.47.

(x) *Productivity factor.* An adju ment factor (3.0 percent) used to ma annual adjustments to the Price C Index to reflect the margin by which carrier subject to price cap regulati is expected to improve its productiv relative to the economy as a whole.

(y) *Rate.* The tariffed price per u of service.

(z) *Rate increase.* Any change in tariff which results in an increas rate or charge to any of the filing c rier's customers.

(aa) *Rate level change.* A tar change that only affects the actu rate associated with a rate elemen and does not affect any tariff regu tions or any other wording of tar language.

(bb) *Regulations.* The body of car er prescribed rules in a tariff gover ing the offering of service in th tariff, including rules, practices, clas fications, and definitions.

(cc) *Restructured service.* An off ing which represents the modificati of a method of charging or provisio ing a service; or the introduction of new method of charging or provisio ing that does not result in a net crease in options available to custo ers.

(dd) *Service Band Index* (SBI). index of the level of aggregate ra element rates in a service catego which index is calculated pursuant § 61.47.

(ee) *Service category.* Any group rate elements subject to price cap re ulation, which group is subject to band.

(ff) *Supplement.* A publication fil as part of a tariff for the purpose suspending or cancelling that tariff, or tariff publication and numbered independently from the tariff page series.

(gg) *Tariff.* Schedules of rates and regulations filed by common carriers.

(hh) *Tariff publication, or publication.* A tariff, supplement, revised page, additional page, concurrence, notice of revocation, adoption notice, or any other schedule of rates or regulations.

(ii) *Text change.* A change in the text of a tariff which does not result in a change in any rate or regulation.

(jj) *United States.* The several States and Territories, the District of Columbia, and the possessions of the United States.

[54 FR 19840, May 8, 1989]

§ 61.11—61.26 [Reserved]

GENERAL RULES

§ 61.32 Method of filing publications.

(a) Publications sent for filing must be addressed to "Secretary, Federal Communications Commission, Washington, DC 20554." The date on which the publication is received by the Secretary of the Commission (or the Mail Room were submitted by mail) is considered the official filing date.

(b) In addition, for all tariff publications requiring fees as set forth in part 1, subpart G of this chapter, issuing carriers must submit the original of the transmittal letter (without attachments), FCC Form 155, and the appropriate fee to the Mellon Bank, Pittsburgh, PA, at the address set forth in § 1.1105. Issuing carriers should submit these fee materials on the same date as the submission in paragraph (a).

(c) In addition to the requirements set forth in paragraphs (a) and (b) of this section, the issuing carrier must send a copy of the transmittal letter with two copies of the proposed tariff pages and all attachments, including the supporting information specified in § 61.38, or § 61.49, as appropriate, to the Secretary, Federal Communications Commission. In addition, the issuing carrier must send a copy of the publication, supporting information specified in § 61.38 or § 61.49, as appropriate, and transmittal letter to the commercial contractor (at its office on Commission premises), and to the Chief, Tariff Review Branch. The latter should be clearly labeled as the "Public Reference Copy." The copies of supporting information required here are in addition to those required by § 61.38(c). The issuing carrier must file the copies required by this paragraph so they will be received on the same date as the filings in paragraph (a).

[55 FR 19173, May 8, 1990]

§ 61.33 Letters of transmittal.

(a) Except as specified in § 61.32(b), all publications filed with the Commission must be accompanied by a letter of transmittal, 8½ by 11 inches in size. All letters of transmittal must (1) concisely explain the nature and purpose of the filing; (2) specify whether supporting information under § 61.38 is required; (3) state whether copies have been delivered to the Commercial Contractor and Chief, Tariff Review Branch as required by § 61.32, and (4) contain a statement indicating the date and method of filing of the original of the transmittal letter as required by § 61.32(b), and the date and method of filing the copies as required by § 61.32 (a) and (c).

(b) In addition to the requirements set forth in paragraph (a) of this section, any local exchange carrier choosing to file an Access Tariff under § 61.39 must include in the transmittal:

(1) A summary of the filing's basic rates, terms and conditions;

(2) A statement concerning whether any prior Commission facility authorization necessary to the implementation of the tariff has been obtained; and

(3) A statement that the filing is made pursuant to § 61.39.

(c) In addition to the requirements set forth in paragraph (a) of this section, any carrier filing a price cap tariff must include in the letter of transmittal a statement that the filing is made pursuant to § 61.49.

(d) In addition to the requirements set forth in paragraphs (a), (b), and (c) of this section, the letter of transmittal must specifically reference by number any special permission necessary to implement the tariff publication. Special permission must be granted prior to the filing of the tariff publication, and may not be requested in the transmittal letter.

(e) The letter of transmittal must be substantially in the following format.

(Exact name of carrier in full) ________
(Post Office Address) ________
________, 19___. ________
(Date) ________
Transmittal No.________
Secretary,
Federal Communications Commission
Washington, DC 20554

Attention: Common Carrier Bureau.

The accompanying tariff (or other publication) issued by ________, and bearing FCC No. ________, effective ________, 19___, is sent to you for filing in compliance with the requirements of the Communications Act of 1934, as amended. (Here give the additional information required.)

(Name of issuing officer or agent) ________
(Title) ________

(f) A separate letter of transmittal may accompany each publication, or the above format may be modified to provide for filing as many publications as desired with one transmittal letter.

NOTE: If a receipt for accompanying publication is desired, the letter of transmittal must be sent in duplicate. One copy showing the date of receipt by the Commission will then be returned to the sender.

[55 FR 19173, May 8, 1990]

§ 61.35 Delivered free of charges.

Tariff publications must be delivered to the Commission free from all charges, including claims for postage.

§ 61.36 Tariff publications not ret

Tariff publications will not
turned.

§ 61.38 Supporting information to mitted with letters of transmitt

(a) *Scope.* This section app
dominant carriers whose gross
revenues exceed $500,000 for th
recent 12 month period of ope
or are estimated to exceed $500,
a representative 12 month
Local exchange carriers serving
or fewer success lines in a given
area that are described as subse
riers in § 69.602 may submit
Tariff filings for that study ar
suant to either this section or
However, the Commission may
any carrier to submit such in
tion as may be necessary for a
of a tariff filing. This section
than the preceding sentence
paragraph) shall not apply to ta
ings proposing rates for service
tified in §§ 61.42 (a), (b), an
which filings are submitted by c
subject to price cap regulation.

(b) *Explanation and data su*
ing either changes or new tarif
ings. The material to be submitt
a tariff change which affects ra
charges or for a tariff offering
service, must include an expla
of the changed or new matter, th
sons for the filing, the basis of
making employed, and economic
mation to support the changed o
matter.

(1) For a tariff change the c
must submit the following, incl
complete explanations of the bas
the estimates.

(i) A cost of service study for a
ments for the most recent 12 m
period;

(ii) A study containing a proje
of costs for a representative 12 m
period;

(iii) Estimates of the effect o
changed matter on the traffic and
enues from the service to which
changed matter applies, the car
other service classifications, and
carrier's overall traffic and reve
These estimates must include the
jected effects on the traffic and

nues for the same representative 12 month period used in (ii) above.

(2) For a tariff filing offering a new service, the carrier must submit the following, including complete explanations of the bases for the estimates.

(i) A study containing a projection of costs for a representative 12 month period; and

(ii) Estimates of the effect of the new matter on the traffic and revenues from the service to which the new matter applies, the carrier's other service classifications, and the carrier's overall traffic and revenues. These estimates must include the projected effects on the traffic and revenues for the same representative 12 month period used in paragraph (b)(2)(i) of this section.

(c) *Working papers and statistical data.* (1) Concurrently with the filing of any tariff change or tariff filing for a service not previously offered, the Chief, Tariff Review Branch must be provided two sets of working papers containing the information underlying the data supplied in response to paragraph (b) of this section, and a clear explanation of how the working papers relate to that information.

(2) All statistical studies must be submitted and supported in the form prescribed in § 1.363 of the Commission's Rules.

(d) *Form and content of additional material to be submitted with certain rate increases.* In the circumstances set out in paragraphs (d)(1) and (2) of this section, the filing carrier must submit all additional cost, marketing and other data underlying the working papers to justify a proposed rate increase. The carrier must submit this information in suitable form to serve as the carrier's direct case in the event the rate increase is set by the Commission for investigation.

(1) Rate increases affecting single services or tariffed items.

(i) A rate increase in any service or tariffed item which results in more than $1 million in additional annual revenues, calculated on the basis of existing quantities in service, without regard to the percentage increase in such revenues; or

(ii) A single rate increase in any service or tariffed item, or successive rate increases in the same service or tariffed item within a 12 month period, either of which results in:

(A) At least a 10 percent increase in annual revenues from that service or tariffed item, and

(B) At least $100,000 in additional annual revenues, both calculated on the basis of existing quantities in service.

(2) Rate increases affecting more than one service or tariffed item.

(i) A general rate increase in more than one service or tariffed item occurring at one time, which results in more than $1 million in additional revenues calculated on the basis of existing quantities in service, without regard to the percentage increase in such revenues; or

(ii) A general rate increase in more than one service or tariffed item occurring at one time, or successive general rate increases in the same services or tariffed items occurring within a 12 month period, either of which results in:

(A) At least a 10 percent increase in annual revenues from those services or tariffed items, and

(B) At least $100,000 in additional annual revenues, both calculated on the basis of existing quantities in service.

(e) *Submission of explanation and data by connecting carriers.* If the changed or new matter is being filed by the issuing carrier at the request of a connecting carrier, the connecting carrier must provide the data required by paragraphs (b) and (c) of this section on the date the issuing carrier files the tariff matter with the Commission.

(f) *Copies of explanation and data to customers.* Concurrently with the filing of any rate for special construction (or special assembly equipment and arrangements) developed on the basis of estimated costs, the offering carrier must transmit to the customer a copy of the explanation and data required by paragraphs (b) and (c) of this section.

[49 FR 40869, Oct. 18, 1984, as amended at 53 FR 36289, Sept. 19, 1988; 54 FR 19841, May 8, 1989]

§ 61.39 Optional supporting information to be submitted with letters of transmittal for Access Tariff filings effective on or after April 1, 1989, by local exchange carriers serving 50,000 or fewer access lines in a given study area that are described as subset 3 carriers in § 69.602.

(a) *Scope.* This section provides for an optional method of filing for any local exchange carrier that is described as a subset 3 carrier in § 69.602, which elects to issue its own Access Tariff for a period commencing on or after April 1, 1989, and which serves 50,000 or fewer access lines in a study area as determined under § 36.611(a)(8) of the Commission's Rules. However, the Commission may require any carrier to submit such information as may be necessary for review of a tariff filing.

(b) *Explanation and data supporting tariff changes.* The material to be submitted for either a tariff change or a new tariff which affects rates or charges must include an explanation of the filing in the transmittal as required by § 61.33. The basis for ratemaking must comply with the following requirements. It is not necessary to submit this supporting data at the time of the filing. However, the local exchange carrier should be prepared to submit the data promptly upon reasonable request by the Commission or interested parties.

(1) For a tariff change, the local exchange carrier which is a cost schedule carrier must propose rates based on the following:

(i) For the first period, a cost of service study for all elements for the most recent 12 month period with related demand for the same period.

(ii) For subsequent filings, a cost of service study for all elements for the total period since the local exchange carrier's last annual filing, with related demand for the same period.

(2) For a tariff change, the local exchange company which is an average schedule carrier must propose rates based on the following:

(i) For the first period, the local exchange carrier's most recent annual settlement from the National Exchange Carrier Association pool.

(ii) For subsequent filings, an amount calculated to reflect the average schedule pool settlement the carrier would have received if the carrier had continued to participate, based upon the most recent average schedule formulas developed by the National Exchange Carrier Association.

(c) *Maximum allowable rate o* *return.* Local exchange carriers filing tariffs under this section are not required to comply with §§ 65.700 through 65.701, inclusive, of the Commission's Rules, except with respect to periods during which tariffs were not subject to this section. The Commission may require any carrier to submit such information if it deems it necessary to monitor the carrier's earnings However, rates must be calculated based on the local exchange carrier's prescribed rate of return applicable to the period during which the rates are effective.

[52 FR 26682, July 16, 1987, as amended a 53 FR 36289, Sept. 19, 1988]

§ 61.40 Private line rate structure guidelines.

(a) The Commission uses a variety o tools to determine whether a carrier' private line tariffs are just, reasonabl and nondiscriminatory. The carrier' burden of cost justification can be reduced when its private line rate structures comply with the following fiv guidelines.

(1) Rate structures for the same o comparable services should be integrated;

(2) Rate structures for the same o comparable services should be consistent with one another;

(3) Rate elements should be selecte to reflect market demand, pricing convenience for the carrier and customers, and cost characteristics; a rate element which appears separately in on rate structure should appear separately in all other rate structures;

(4) Rate elements should be consistently defined with respect to underlying service functions and should b consistently employed through all rat structures; and

(5) Rate structures should be simp and easy to understand.

(b) The guidelines do not preclude a carrier, in a given case when a private line tariff does not comply with these guidelines, from justifying its departure from the guidelines and showing that its tariff is just, reasonable, and nondiscriminatory.

§ 61.41 Price cap requirements generally.

Sections 61.42 through 61.49 apply to dominant interexchange carriers, as specified by Commission order.

[54 FR 19842, May 8, 1989]

§ 61.42 Price cap baskets and service categories.

(a) Each dominant interexchange carrier subject to price cap regulation shall establish three baskets as follows:

(1) A residential and small business services basket;

(2) An 800 service basket; and

(3) A business services basket.

(b) (1) The residential and small business basket shall contain such services as the Commission shall permit or require, including the following service categories:

(i) Domestic day MTS;

(ii) Domestic evening MTS;

(iii) Domestic night/weekend MTS;

(iv) International MTS;

(v) Operator and credit card services; and

(vi) Reach Out America.

(2) The 800 service basket shall contain such services as the Commission shall permit or require, including the following service categories:

(i) Readyline 800;

(ii) AT&T 800;

(iii) Megacom 800; and

(iv) Other 800.

(3) The business services basket shall contain such services as the Commission shall permit or require, including the following service categories:

(i) ProAmerica I, II, and III;

(ii) WATS;

(iii) Megacom;

(iv) SDN;

(v) Other switched;

(vi) Voice grade private line and below; and

(vii) Other private line.

(c) Dominant interexchange carriers subject to price cap regulations shall exclude the following offerings from their price cap baskets:

(1) Special construction services;

(2) American Telephone and Telegraph Company Tariff F.C.C. No. 11 services;

(3) Such custom tariff services as the Commission may specify; and

(4) Such other services as the Commission may specify.

(d) New services, other than those within the scope of paragraph (c) of this section, must be included in the affected basket at the first annual price cap tariff filing following completion of the base period in which they are introduced. To the extent that such new services are permitted or required to be included in new or existing service categories within the assigned basket, they shall be so included at the first annual price cap tariff filing following completion of the base period in which they are introduced.

[54 FR 19842, May 8, 1989]

§ 61.43 Annual price cap filings required.

Carriers subject to price cap regulation shall submit annual price cap tariff filings that propose rates for the upcoming year, that make appropriate adjustments to their PCI, API, and SBI values pursuant to §§ 61.44, 61.46, and 61.47, and that incorporate the costs and rates of new services into the PCI, API, or SBI calculations pursuant to §§ 61.44(g), 61.46(b), and 61.47 (b) and (c). Carriers may propose rate or other tariff changes more often than annually, consistent with the requirements of § 61.59.

[54 FR 19842, May 8, 1989]

§ 61.44 Adjustments to the PCI.

(a) Carriers subject to price cap regulation shall file adjustments to the PCI for each basket as part of the annual price cap tariff filing, and shall maintain updated PCIs to reflect the effect of mid-year access and exogenous cost changes.

(b) Subject to paragraph (d) of this section, adjustments to each basket's PCI shall be made pursuant to the following formula:

$$PCI_t = PCI_{t-1}[1 + w(GNP\text{-}PI - X) + \Delta Y/R + \Delta Z/R]$$

where

GNP-PI = the percentage change in the GNP-PI between the quarter ending six months prior to the effective date of the new annual tariff and the corresponding quarter of the previous year,

X = productivity factor of 3.0%,

ΔY = (new access rate—access rate at the time the PCI was updated to PCI_{t-1}) × (base period demand),

ΔZ = the dollar effect of current regulatory changes when compared to the regulations in effect at the time the PCI was updated to PCI_{t-1}, measured at base period level of operations,

R = base period quantities for each rate element "i", multiplied by the price for each rate element "i" at the time the PCI was updated to PCI_{t-1},

w = R − (access rate in effect at the time the PCI was updated to PCI_{t-1} × base period demand) + ΔZ, all divided by R,

PCI_t = the new PCI value, and

PCI_{t-1} = the immediately preceding PCI value.

(c) The exogenous cost changes represented by the term "ΔZ" in the formula detailed in paragraph (b) of this section, shall be limited to those cost changes that the Commission shall permit or require, and include those caused by:

(1) the completion of the amortization of depreciation reserve deficiencies;

(2) Changes in the Uniform System of Accounts;

(3) Changes in the Separations Manual;

(4) The reallocation of investment from regulated to nonregulated activities pursuant to **§ 64.901**; and

(5) Such tax law changes and other extraordinary exogenous cost changes as the Commission shall permit or require.

These exogenous cost changes shall be apportioned on a cost-causative basis between price cap services as a group, and excluded services as a group. Exogenous cost changes thus attributed to price cap services shall be further apportioned on a cost-causative basis among price cap baskets.

(d) In calculating the "ΔY" variable in the formula detailed in paragraph (b) of this section:

(1) The net change in total non-traffic sensitive access costs for all capped services (in all baskets), calculated base period demand, shall be allocat among the baskets in proportion each basket's share of total ba period non-traffic sensitive minutes access (both originating and termin ing);

(2) The net change in total traf sensitive access costs for all capp services (in all baskets), calculated base period demand, shall be allocat among the baskets in proportion each basket's share of total ba period traffic sensitive minutes access; and

(3) Changes in special access costs each basket, calculated at base peri demand, shall be assigned directly the baskets in which such costs are curred.

(e) In calculating the "w" variable the formula detailed in paragraph (of this section, the access costs th must be subtracted from the "R" va able shall be apportioned among t baskets in a manner that is consiste with the methodology provided paragraph (d) of this section for calc lating the "ΔY" in each basket.

(f) The "w(GNP-PI − X)" comp nent of the PCI formula shall be e ployed only in the adjustment made connection with the annual price c filing.

(g) The exogenous cost changes a changes in access costs caused by ne services subject to price cap regulati must be included in the appropria PCI calculations under paragraph (of this section beginning at the fir annual price cap tariff filing followi completion of the base period in whic they are introduced.

(h) In the event that a price c tariff becomes effective, which tari results in an API value (calculate pursuant to § 61.46) that exceeds th currently applicable PCI value, th PCI value shall be adjusted upward equal the API value.

[54 FR 19842, May 8, 1989]

§ 61.45 [Reserved]

§ 61.46 Adjustments to the API.

(a) In connection with any price ca tariff filing proposing rate change the carrier must calculate an API fo each affected basket pursuant to the following methodology:

$API_t = API_{t-1} [\Sigma_i v_i (P_t/P_{t-1})_i]$

where

API_t = the proposed API value,
API_{t-1} = the existing API value,
P_t = the proposed price for rate element "i,"
P_{t-1} = the existing price for rate element "i," and
v_i = the current estimated revenue weight for rate element "i," calculated as the ratio of the base period demand for the rate element "i" priced at the existing rate, to the base period demand for the entire basket of services priced at existing rates.

(b) New services subject to price cap regulation must be included in the appropriate API calculations under paragraph (a) of this section beginning at the first annual price cap tariff filing following completion of the base period in which they are introduced. This index adjustment requires that the demand for the new service during the base period must be included in determining the weights used in calculating the API.

(c) Any price cap tariff filing proposing rate restructuring shall require an adjustment to the API pursuant to the general methodology described in paragraph (a) of this section. This adjustment requires the conversion of existing rates into rates of equivalent value under the proposed structure, and then the comparison of the existing rates that have been converted to reflect restructuring to the proposed restructured rates. This calculation may require use of carrier data and estimation techniques to assign customers of the preexisting service to those services (including the new restructured service) that will remain or become available after restructuring.

[54 FR 19843, May 8, 1989]

§ 61.47 Adjustments to the SBI; pricing bands.

(a) In connection with any price cap tariff filing proposing changes in the rates of service categories, the carrier must calculate an SBI value for each affected service category pursuant to the following methodology:

$SBI_t = SBI_{t-1}[\Sigma_i v_i(P_t/P_{t-1})_i]$

where

SBI_t = the proposed SBI value,
SBI_{t-1} = the existing SBI value,
P_t = the proposed price for rate element "i,"
P_{t-1} = the existing price for rate element "i," and
v_i = the current estimated revenue weight for rate element "i," calculated as the ratio of the base period demand for the rate element "i" priced at the existing rate, to the base period demand for the entire group of rate elements comprising the service category priced at existing rates.

(b) New services that are added to existing service categories must be included in the appropriate SBI calculations under paragraph (a) of this section beginning at the first annual price cap tariff filing following completion of the base period in which they are introduced. This index adjustment requires that the demand for the new service during the base period must be included in determining the weights used in calculating the SBI.

(c) In the event that the introduction of a new service requires the creation of a new service category, a new SBI must be established for that service category beginning at the first annual price cap tariff filing following completion of the base period in which the new service is introduced. The new SBI should be initialized at a value of 100, corresponding to the service category rates in effect the last day of the base period, and thereafter should be adjusted as provided in paragraph (a) of this section.

(d) Any price cap tariff filing proposing rate restructuring shall require an adjustment to the affected SBI pursuant to the general methodology described in paragraph (a) of this section. This adjustment requires the conversion of existing rates in the rate element group into rates of equivalent value under the proposed structure, and then the comparison of the existing rates that have been converted to reflect restructuring to the proposed restructured rates. This calculation may require use of carrier data and estimation techniques to assign customers of the preexisting service to those services (including the new restructured service) that will remain or become available after restructuring.

(e) Pricing bands shall be established each tariff year for each service

40-180 O—91——2

category within a basket. Except as provided in paragraph (f) of this section, each band shall limit the pricing flexibility of the service category, as reflected in its SBI, to an annual increase or decrease of five percent, relative to the percentage change in the PCI for that basket, measured from the levels in effect on the last day of the preceding tariff year.

(f) The upper pricing bands for the evening MTS and night/weekend MTS service categories shall limit the annual upward pricing flexibility for those service categories, as reflected in their SBIs, to four percent, relative to the percentage change in the PCI for the residential and small business services basket, measured from the last day of the preceding tariff year.

(g) Dominant interexchange carriers subject to price cap regulation shall calculate a composite average rate for services contained in the residential and small business services basket that are purchased by residential customers. Notwithstanding paragraphs (e) and (f) of this section, the annual upward pricing flexibility for this composite average rate shall be limited to one percent, relative to the percentage change in the PCI for the residential and small business services basket, measured from the last day of the preceding tariff year.

[54 FR 19843, May 8, 1989]

§ 61.48 Transition rules for price cap formula calculations.

(a) Dominant interexchange carriers subject to price cap regulation shall file initial price cap tariffs May 17, 1989, to be effective July 1, 1989.

(b) In connection with the initial price cap tariff filing described in paragraph (a) of this section, each PCI, API, and SBI shall be assigned an initial value prior to adjustment of 100, corresponding to the costs and rates in effect as of December 31, 1988.

[54 FR 19843, May 8, 1989]

§ 61.49 Supporting information to be submitted with letters of transmittal for tariffs of carriers subject to price cap regulation.

(a) Each price cap tariff filing must be accompanied by supporting materials sufficient to calculate required
justments to each PCI, API, and S
pursuant to the methodologies prov
ed in §§ 61.44, 61.46, and 61.47.

(b) Each price cap tariff filing th
proposes rates that are within applic
ble bands established pursuant
§ 61.47, and that results in an A
value that is equal to or less than t
applicable PCI value, must be acco
panied by supporting materials suf
cient to establish compliance with t
applicable bands, and to calculate t
necessary adjustment to the affect
APIs and SBIs pursuant to §§ 61.
and 61.47, respectively.

(c) Each price cap tariff filing th
proposes rates above the applicab
band limits established in §§ 61.47 (
and (f), or above the limit on compo
ite average residential rates esta
lished in § 61.47(g), must be accomp
nied by supporting materials establis
ing substantial cause for the propose
rates.

(d) Each price cap tariff filing th
proposes service category rates belo
applicable band limits established
§ 61.47(e), must be accompanied b
supporting materials establishing th
the rates cover the service category
average variable cost.

(e) Each price cap tariff filing th
proposes rates that will result in a
API value that exceeds the applicab
PCI value must be accompanied by: (1
An explanation of the manner i
which all costs have been allocate
among baskets; and (2) within the a
fected basket, a cost assignment slow
ing down to the lowest possible level o
disaggregation, including a detaile
explanation of the reasons for th
prices of all rate elements to which
costs are not assigned.

(f) Each price cap tariff filing that
proposes restructuring of existin
rates must be accompanied by supporting materials sufficient to make
the adjustments to each affected API
and SBI required by §§ 61.46(c) and
61.47(d), respectively.

(g) Each tariff filing that introduces a new service that will later be included in a basket must be accompanied by cost data sufficient to establish that the new service, and each unbundled element thereof, will generate a net revenue increase—measured against revenues generated from all services subject to price cap regulation, and calculated based upon present value—within the lesser of a 24-month period after an annual price cap tariff including the new service takes effect, or 36 months from the date the new service becomes effective. Each such tariff filing must also be accompanied by data sufficient to make the API and PCI calculations required by §§ 61.46(b) and 61.44(g), and, as necessary, to make the SBI calculations provided in §§ 61.47 (b) or (c).

[54 FR 19843, May 8, 1989]

SPECIFIC RULES FOR TARIFF PUBLICATIONS

§ 61.52 Form, size, type, legibility, etc.

(a) All tariff publications must be in loose-leaf form of size 8½ by 11 inches, and must be plainly printed in black print on white paper of durable quality. Less than 6-point type may not be used. Erasures or alterations in writing must not be made in any tariff publication filed with the Commission or in those copies posted for public convenience. A margin of no less than one inch in width must be allowed at the left edge of every tariff publication.

(b) Pages of tariffs must be printed on one side only, and must be numbered consecutively and designated as "Original title page," "Original page 1," "Original page 2," etc.

(1) All such pages must show, in the upper left-hand corner the name of the issuing carrier; in the upper right-hand corner the FCC number of the tariff, with the page designation directly below; in the lower left-hand corner the issued date; in the lower right-hand corner the effective date; and at the bottom, center, the street address of the issuing officer. The carrier must also specify the issuing officer's title either at the bottom center of all tariff pages, or on the title page and check sheet only.

(2) As an alternative, the issuing carrier may show in the upper left-hand corner the name of the issuing carrier, the title and street address of the issuing officer, and the issued date; and in the upper right-hand corner the FCC number of the tariff, with the page designation directly below, and the effective date. The carrier must specify the issuing officer's title in the upper left-hand corner of either all tariff pages, or on the title page and check sheet only. A carrier electing to place the information at the top of the page should annotate the bottom of each page to indicate the end of the material, e.g., a line, or the term "Printed in USA," or "End".

(3) Only one format may be employed in a tariff publication.

§ 61.53 Consecutive numbering.

Carriers should file tariff publications under consecutive FCC numbers. If this cannot be done, a memorandum containing an explanation of the missing number or numbers must be submitted. Supplements to a tariff must be numbered consecutively in a separate series.

§ 61.54 Composition of tariffs.

(a) Tariffs must contain in consecutive order: A title page; check sheet; table of contents; list of concurring, connecting, and other participating carriers; explanation of symbols and abbreviations; application of tariff; general rules (including definitions), regulations, exceptions and conditions; and rates. If the issuing carrier elects to add a section assisting in the use of the tariff, it should be placed immediately after the table of contents.

(b) The title page of every tariff and supplement must show:

(1) *FCC number, indication of cancellations.* In the upper right-hand corner, the designation of the tariff or supplement as "FCC No. ———," or "Supplement No. ——— to FCC No. ———," and immediately below, the FCC number or numbers of tariffs or supplements cancelled thereby.

(2) *Name of carrier, class of service, geographical application, means of transmission.* The exact name of the carrier, and such other information as may be necessary to identify the carrier issuing the tariff publication; a brief statement showing each class of service provided; the geographical application; and the type of facilities used to provide service.

(3) *Expiration Date.* When the entire tariff or supplement is to expire

with a fixed date, the expiration date must be shown in connection with the effective date in the following manner:

Expires at the end of —————— (date) unless sooner canceled, changed or extended.

(4) *Title and address of issuing officer.* The title and street address of the officer issuing the tariff or supplement in the format specified in § 61.52.

(5) *Revised title page.* When a revised title page is issued, the following notation must be shown in connection with its effective date:

Original tariff effective —————— (here show the effective date of the original tariff).

(c)(1) The page immediately following the title page must be designated as "Original page 1" and captioned "Check Sheet." When the original tariff is filed, the check sheet must show the number of pages contained in the tariff. For example, "Page 1 to 150, inclusive, of this tariff are effective as of the date shown." When new pages are added, they must be numbered in continuing sequence, and designated as "Original page ———." For example, when the original tariff filed has 150 pages, the first page added after page 150 is to be designated as "Original page 151," and the foregoing notation must be revised to include the added pages.

(2) If pages are to be inserted between numbered pages, each such page must be designated as an original page and must bear the number of the immediately preceding page followed by an alpha or numeric suffix. For example, when two new pages are to be inserted between pages 44 and 45 of the tariff, the first inserted page must be designated as Original page 44A or 44.1 and the second inserted page as Original page 44B or 44.2. Issuing carriers may not utilize both the alpha and numeric systems in the same publication.

(3) When pages are revised, when new pages (including pages with letter or numeric suffix as set forth above) are added to the tariff, or when supplements are issued, the check sheet must be revised accordingly. Revised check sheets must indicate with an asterisk the specific pages added or revised. In addition to the notation in (1), the check sheet must list, under the heading "The original and revised pages named below (and Supplement No. ———) contain all changes from the original tariff that are in effect on the date shown," all original pages in numerical order that have been added to the tariff and the pages which have been revised, including the revision number. For example:

Page	Number of revision except as indicated
Title	1st
1	*8th
3	5th
5A	*Orig.
10	*8th
151	Orig.

*New or Revised page.

(4) Changes in, and additions to tariffs must be made by reprinting the page upon which a change or addition is made. Such changed page is to be designated as a revised page, cancelling the page which it amends. For example, "First revised page 1 cancels original page 1," or "Second revised page 2 cancels first revised page 2," etc. When a revised page omits rates or regulations previously published on the page which it cancels, but such rates or regulations are published on another page, the revised page must make specific reference to the page on which the rates or regulations will be found. This reference must be accomplished by inserting a sentence at the bottom of the revised page that states "Certain rates (or regulations) previously found on this page can now be found on page ——." In addition, the page on which the omitted material now appears must bear the appropriate symbol opposite such material, and make specific reference to the page from which the rates or regulations were transferred. This reference must be accomplished by inserting a sentence at the bottom of the other page that states "Certain rates (or regulations) on this page formerly appeared on page ———."

(5) Rejected pages must be treated as indicated in § 61.69.

(d) *Table of contents.* The table of contents must contain a full and complete statement showing the exact location and specifying the page or section and page numbers, where information by subjects under general headings will be found. If a tariff contains so small a volume of matter that its title page or its interior arrangement plainly discloses its contents, the table of contents may be omitted.

(e) *Tariff User's guide.* At its option, a carrier may include a section explaining how to use the tariff.

(f) *List of concurring carriers.* This list must contain the exact name or names of carriers concurring in the tariff, alphabetically arranged, and the name of the city or town in which the principal office of every such carrier is located. If there are no concurring carriers, then the statement "no concurring carriers" must be made at the place where the names of the concurring carriers would otherwise appear. If the concurring carriers are numerous, their names may be stated in alphabetical order in a separate tariff filed with the Commission by the issuing carrier. Specific reference to such separate tariff by FCC number must be made in the tariff at the place where such names would otherwise appear.

(g) *List of connecting carriers.* This list must contain the exact name or names of connecting carriers, alphabetically arranged, for which rates or regulations are published in the tariff, and the name of the city or town in which the principal office of every such carrier is located. If there are no connecting carriers, then the statement "no connecting carriers" must be made at the place where their names would otherwise appear. If connecting carriers are numerous, their names may be stated in alphabetical order in a separate tariff filed with the Commission by the issuing carrier. Specific reference to such separate tariff by FCC number must be made in the tariff at the place where such names would otherwise appear.

(h) *List of other participating carriers.* This list must contain the exact name of every other carrier subject to the Act engaging or participating in the communication service to which the tariff or supplement applies, together with the name of the city or town in which the principal office of such carrier is located. If there is no such other carrier, then the statement "no participating carriers" must be made at the place where the names of such other carriers would otherwise appear. If such other carriers are numerous, their names may be stated in alphabetical order in a separate tariff filed with the Commission by the issuing carrier. Specific reference must be made in the tariff at the place where such names would otherwise appear. The names of concurring and connecting carriers properly listed in a tariff published by any other participating carrier need not be repeated in this list.

(i)(1) *Symbols, reference marks, abbreviations.* The tariff must contain an explanation of symbols, reference marks, and abbreviations of technical terms used. The following symbols used in tariffs are reserved for the purposes indicated below:

R to signify reduction.
I to signify increase.
C to signify changed regulation.
T to signify a change in text but no change in rate or regulation.
S to signify reissued matter.
M to signify matter relocated without change.
N to signify new rate or regulation.
D to signify discontinued rate or regulation.
Z to signify a correction.

(2) The uniform symbols must be used as follows.

(i) When a change of the same character is made in all or in substantially all matter in a tariff, it may be indicated at the top of the title page of the tariff or at the top of each affected page, in the following manner: "All rates in this tariff are increases," or, "All rates on this page are reductions, except as otherwise indicated."

(ii) When a change of the same character is made in all or substantially all matters on a page or supplement, it may be indiated at the top of the page or supplement in the following manner: All rates on this page (or supplement) are increases," or, "All rates on this page (or supplement) are reductions except as otherwise indicated."

(3) Items which have not been in effect 30 days when brought forward on revised pages must be shown as reissued, in the manner prescribed in § 61.54(l)(1). Items which have been in effect 30 days or more and are brought forward without change on revised pages must not be shown as reissued items.

(j) *Rates and general rules, regulations, exceptions and conditions.* The general rules (including definitions), regulations, exceptions, and conditions which govern the tariff must be stated clearly and definitely. All general rules, regulations, exceptions or conditions which in any way affect the rates named in the tariff must be specified. A special rule, regulation, exception or condition affecting a particular item or rate must be specifically referred to in connection with such item or rate. Rates must be expressed in United States currency, per chargeable unit of service for all communication services, together with a list of all points of service to and from which the rates apply. They must be arranged in a simple and systematic manner. Complicated or ambiguous terminology may not be used, and no rate, rule, regulation, exception or condition shall be included which in any way attempts to substitute a rate, rule, regulation, exception or condition named in any other tariff.

§ 61.56 Supplements.

A carrier may not file a supplement except to suspend or cancel a tariff publication.

§ 61.57 Cancellations.

The following paragraphs govern the cancellation of tariffs and supplements.

(a) *By tariff or supplement.* A carrier may cancel any tariff or supplement in whole or in part by another tariff or supplement. Cancellation of a tariff automatically cancels every supplement to that tariff, except a cancelling supplement.

(b) *By expiration.* Subject to § 61.59, a carrier may cancel a tariff or supplement in whole or in part by fixing a date on which the rates or regul
will expire.

(c) *Indication of.* (1) A carrier
cancels a tariff or suppleme
whole by another tariff or suppl
must comply with § 61.54(b)(1).
cellation of tariffs or suppleme
whole by expiration must be ind
as provided in § 61.54(b)(3).

(2) Where a carrier issues a
supplement, or revised page pa
cancelling another tariff, supple
or revised page, it must specif
state what portion of the other
publication is cancelled. Such
tariff or supplement must at the
time be correspondingly amende
fective on the same date.

(3) When only a part of tariff o
plement is to expire, a carrier
show the expiration date on the
page, and associate it with the m
which is to expire. Changes in ex
tion date must be made pursua
the notice requirements of § 6
unless otherwise authorized by
Commission. Expirations must be
cated as follows:

Expires at the end of ————
(date) unless sooner cancelled, chang
extended.

(d) *Rates and regulations to a*
When a carrier cancels a tariff or
plement in whole or in part by
other tariff or supplement, the ca
ling publication must show wher
rates and regulations will be foun
what rates and regulations will a

(e) *Omissions.* When a tariff or
plement cancelling a previous tari
supplement omits points of origi
destination, rates or regulations
routes, which were contained in
tariff or supplement, the new tari
supplement must indicate the o
sion in the manner prescribed in p
graph (c) of this section. If such o
sions effect changes in rates of reg
tions, that fact must be indicated
the use of the uniform symbols
scribed in § 61.54(l)(1).

(f) *Carriers ceasing operati*
When a carrier ceases operations w
out a successor, it must cancel its
iffs pursuant to the notice requ
ments of § 61.58, unless otherwise
thorized by the Commission.

§ 61.58 Notice requirements.

(a) Every proposed tariff filing must bear an effective date and, except as otherwise provided by regulation, special permission, or Commission order, must be made on at least the number of days notice specified in this section.

(1) Notice is accomplished by filing the proposed tariff changes with the Commission. Any period of notice specified in this section begins on and includes the date the tariff is received by the Commission, but does not include the effective date. If a tariff filing proposes changes governed by more than one of the notice periods listed below, the longest notice period will apply. In computing the notice period required, all days including Sundays and holidays must be counted.

(2) The Chief, Common Carrier Bureau may require the deferral of the effective date of any tariff filing made on less than 90 days' notice, so as to provide for a maximum total of 90 days' notice, regardless of whether petitions under § 1.773 of the Commission's rules have been filed.

(3) Tariff filings proposing corrections must be made on at least 3 days' notice, and may be filed notwithstanding the provisions of § 61.59. Corrections to tariff materials not yet effective cannot take effect before the effective date of the original material.

(4) This subsection applies only to dominant carriers. If the tariff publication would increase any rate or charge, or would effectuate and authorized discountinuance, reduction or other impairment of service to any customer, the offering carrier must inform the affected customers of the content of the tariff publication. Such notification should be made in a form appropriate to the circumstance, and may include written notification, personal contact, or advertising in newspapers of general circulation.

(b) *Non-dominant carriers.* Tariff filings of non-dominant carriers must be made on at least 14 days' notice.

(c) *Carriers subject to price cap regulation.* This paragraph applies only to carriers subject to price cap regulation. Such carriers must file tariffs according to the following notice periods.

(1) For annual adjustments to the PCI, API, and SBI values under §§ 61.44, 61.46, and 61.47, respectively, tariff filings must be made on at least 45 days' notice.

(2) Tariff filings that alter rate levels only, and that do not cause any API to exceed any applicable PCI pursuant to calculations provided for in § 61.46; and do not cause any SBI to exceed its banding limitations established in § 61.47, must be made on at least 14 days' notice.

(3) Tariff filings that will cause any API to exceed its applicable PCI pursuant to calculations provided for in § 61.46, that will cause any SBI to exceed its upper banding limitations established in §§ 61.47 (e) and (f), or that will cause the composite average residential rate to exceed its limitation on upward pricing flexibility established in § 61.47(g), must be made on at least 90 days' notice.

(4) Tariff filings that will cause any SBI to decrease below its lower banding limit established in § 61.47(e), must be made on at least 45 days' notice.

(5) Tariff filings involving a change in rate structure of a service included in a basket listed in § 61.42(a), or the introduction of a new service within the scope of § 61.42(d), must be made on at least 45 days' notice.

(6) The required notice for tariff filings involving services included in § 61.42(c), or involving changes to tariff regulations, shall be that required in connection with such filings by dominant carriers that are not subject to price cap regulation.

(d) *Other carriers.* (1) Tariff filings in the instances specified in paragraphs (d)(1) (i), (ii), and (iii) of this section must be made on at least 15 days' notice.

(i) Tariffs filed in the first instance by new carriers.

(ii) Tariffs filings involving new rates and regulations not previously filed at, from, to or via points on new lines; at, from to or via new radio facilities; or for new points of radio communication.

(iii) Tariff filings involving a change in the name of a carrier, a change in Vertical and Horizontal coordinates (or other means used to determine airline mileages), a change in the lists of mileages, a change in the lists of connecting, concurring or other participating carriers, text changes, or the imposition of termination charges calculated from effective tariff provisions. The imposition of termination charges does not include the initial filing of termination liability provisions.

(2) Tariff filings involving a change in rate structure, a new service offering, or a rate increase must be made on at least 45 days' notice.

(3) All tariff filings not specifically assigned a different period of public notice in this part must be made on at least 35 days' notice.

[49 FR 40869, Oct. 18, 1984, as amended at 54 FR 19844, May 8, 1989]

§ 61.59 Effective period required before changes.

Except as provided in § 61.58(a)(3) or except as otherwise authorized by the Commission, new rates or regulations must be effective for at least 30 days before any change may be made.

§ 61.67 New or discontinued telephone and teletypewriter service points; mileages.

Message toll telephone service points and teletypewriter exchange service points added or discontinued during a calendar month may be filed not later than 20 days after the end of such month where the basic schedules of rates and regulations applicable to such message toll telephone and teletypewriter exchange service points are effective and the effective date of each addition of discontinuance is shown.

§ 61.68 Special Notations.

(a) A tariff filing must contain a statement of the authority for any matter to be filed on less than the notice required in § 61.58. The following must be used:

"Issued on not less than — days' notice under authority of — (specific reference to the special permission, decision, order or section of these rules)."

If all the matter in a tariff publication is to become effective on less than the notice required in § 61.58, specific reference to the Commission authority must be shown on the title page. If only a part of the tariff publication is to become effective on less than th notice required in § 61.58, reference t the Commission authority mus appear on the same page(s), and be associated with the pertinent matter.

(b) When a portion of any tarif publication is issued in order t comply with the Commission order the following notation must be associated with that portion of the tarif publication:

"In compliance with the order of the Federal Communication Commission in — (a specific citation to the applicable order should be made)."

§ 61.69 Rejection.

When a tariff publication is rejected by the Commission, its number may not be used again. The rejected tariff publication may not be referred to as cancelled or revised. The publication that is subsequently issued in lieu of the rejected tariff publication must bear the notation

"In lieu of —, rejected by the Federal Communications Commission."

§ 61.71 Reissued matter.

Matter in effect for less than 30 days and brought forward without change from another tariff publication must bear the appropriate symbol provided in § 61.54(i)(1) for reissued matter. The number and original effective date of the tariff publication in which the matter was originally published must be associated with the reissued matter.

§ 61.72 Posting.

(a) Offering carriers must post (i.e., keep accessible to the public) during the carrier's regular business hours, a schedule of rates and regulations. This schedule must include all effective and proposed rates and regulations pertaining to the services offered to and from the community or communities served, and must be the same as that on file with the Commission. This posting requirement must be satisfied by the following methods:

(1) Where the filing has an office or offices open to the public in states or territories of the United States, the carrier must post the schedule of rates

and regulations in one office in each state or territory of its operation.

(2) A carrier must provide a telephone number for public inquiries about information contained in its tariffs. This telephone number should be made readily available to all interested parties.

(3) A carrier must post a notice in each business office of the carrier open to the public in that state or territory, stating the street address of the location in which the schedule of rates and regulations can be found and the telephone number for public inquiries on tariffs.

(b) The posting of rates and regulations shall be considered timely if they are available for public inspection at the posting locations within 15 days of their filing with the Commission.

§ 61.73 Duplication of rates or regulations.

A carrier concurring in schedules of another carrier must not publish conflicting or duplicative rates or regulations.

§ 61.74 References to other instruments.

(a) Except as otherwise provided in this and other sections of this part, no tariff publication filed with the Commission may make reference to any other tariff publication or to any other document or instrument.

(b) Tariffs for end-on-end through services may reference the tariffs of other carriers participating in the offering.

(c) Tariffs may reference concurrences for the purpose of starting where rates or regulations applicable to a service not governed by the tariff may be found.

CONCURRENCES

§ 61.131 Scope.

Sections 61.132 through 61.136 apply to a carrier which must file concurrences reflecting rates and regulations for through service provided in conjunction with other carriers and to a carrier which has chosen, as an alternative to publishing its own tariff, to arrange concurrence in an effective tariff of another carrier. Limited or partial concurrences will not be permitted.

§ 61.132 Method of filing concurrences.

A carrier proposing to concur in another carrier's effective tariff must deliver two copies of the concurrence to the issuing carrier in whose favor the concurrence is issued. The concurrence must be signed by an officer or agent of the carrier executing the concurrence, and must be numbered consecutively in a separate series from its FCC tariff numbers. At the same time the issuing carrier revises its tariff to reflect such a concurrence, it must submit both copies of the concurrence to the Commission. The concurrence must bear the same effective date as the date of the tariff filing reflecting the concurrence.

§ 61.133 Format of concurrences.

(a) Concurrences must be issued in the following format:

CONCURRENCE

F.C.C. Concurrence No. ———
(Cancels F.C.C. Concurrence No. ——
(Name of Carrier —————)
(Post Office Address —————)
(Date) ————— 19—.
Secretary,
Federal Communications Commission,
Washington, D.C. 20554.

This is to report that (name of concurring carrier) assents to and concurs in the tariffs described below. (Name of concurring carrier) thus makes itself a party to these tariffs and obligates itself (and its connecting carriers) to observe every provision in them, until a notice of revocation is filed with the Commission and delivered to the issuing carrier.

This concurrence applies to interstate (and foreign) communication:

1. Between the different points on the concurring carrier's own system;

2. Between all points on the concurring carrier's system and the systems of its connecting carriers; and

3. Between all points on the system of the concurring carrier and the systems of its connecting carriers on the one hand, and, on the other hand, all points on the system of the carrier issuing the tariff or tariffs listed below and the systems of its connecting carriers and other carriers with which through routes have been established.

(NOTE: Any of the above numbered paragraphs may be omitted or the wording modified to state the points to which the concurrence applies.)

TARIFF

(Here describe the tariff or tariffs concurred in by the carrier, specifying FCC number, title, date of issuance, and date effective. Example: A.B.C. Communications Company, Tariff FCC No. 1, Interstate Telegraph Message Service, Issued January 1, 1983, Effective April 1, 1983).

Cancels FCC Concurrence No. ——, effective ——, 19—.

(Name of concurring carrier) ——————
By ——————————————
(Title) ——————————————

(b) No material is to be included in a concurrence other than that indicated in the above-prescribed form, unless specially authorized by the Commission. A concurrence in any tariff so described will be deemed to include all amendments and successive issues which the issuing carrier may make and file. All such amendments and successive issues will be binding between customers and carriers. Between carriers themselves, however, the filing by the issuing carrier of an amendment or successive issue with the Commission must not imply or be construed to imply an agreement to the filing by concurring carriers. Such filings do not affect the contractual rights or remedies of any concurring carrier(s) which have not, by contract or otherwise, specifically consented in advance to such amendment or successive issue.

§ 61.134 Concurrences for through services.

A carrier filing rates or regulations for through services between points on its own system and points on another carrier's system (or systems), or between points on another carrier's system (or systems), must list all concurring, connecting or other participating carriers as provided in § 61.54(f), (g) and (h). A concurring carrier must tender a properly executed instrument of concurrence to the issuing carrier. If rates and regulations of the other carriers engaging in the through service(s) are not specified in the issuing carrier's tariff, that tariff must state where the other carrier's rates and regulations can be found.
Such reference(s) must contain t
FCC number(s) of the referenc
tariff publication(s), the exact name
of the carrier(s) issuing such tar
publication(s), and must clearly st
how the rates and regulations in t
separate publications apply.

§ 61.135 Concurrences for other purpo

When an issuing carrier permits
other carrier to concur in its tariff, t
issuing carrier's tariff must state t
concurring carrier's rates and points
service.

§ 61.136 Revocation of concurrences.

A concurrence may be revoked by
revocation notice or cancelled by
new concurrence. A revocation noti
or a new concurrence, if less broad
scope than the concurrence it cance
must bear an effective date not le
than 45 days after its receipt by t
Commission. A revocation notice is n
given a serial number, but must spe
fy the number of the concurrence
be revoked and the name of the car
er in whose favor the concurrence w
issued. It must be in the followin
format:

REVOCATION NOTICE

(Name of carrier ————)
(Post office address ————)
(Date) ——————, 19—.
Secretary,
Federal Communications Commissio
Washington, D.C. 20554.

Effective ——, 19— FCC Concurrence N
—, issued by (Name of concurring carrier)
favor of (Name of issuing carrier) is hereb
cancelled and revoked. Rates and regul
tions of (Name of concurring carrier) and i
connecting carriers will thereafter be foun
in Tariff FCC No. — issued by —— (If th
concurring carrier has ceased operation
the revocation notice must so indicate.)

(Name of carrier) ——————
By ——————————————
(Title) ——————————————

APPLICATIONS FOR SPECIAL PERMISSION

§ 61.151 Scope.

Sections 61.152 and 61.153 set forth the procedures to be followed by a carrier applying for a waiver of any of the rules in this part.

[55 FR 19173, May 8, 1990]

§ 61.152 Terms of applications and grants.

Applications for special permission must contain:

(a) A detailed description of the tariff publication proposed to be put into effect;

(b) A statement citing the specific rules and the grounds on which waiver is sought;

(c) A showing of good cause; and

(d) A statement as to the date and method of filing the original of the application for special permission as required by § 61.153(b) and the date and method of filing the copies required by § 61.153 (a) and (c).

If approved, the carrier must comply with all terms and use all authority specified in the grant. If a carrier elects to use less than the authority granted, it must apply to the Commission for modification of the original grant. If a carrier elects not to use the authority granted within sixty days of its effective date, the original grant will be automatically cancelled by the Commission.

[55 FR 19173, May 8, 1990]

§ 61.153 Method of filing applications.

(a) An application for special permission must be addressed to "Secretary, Federal Communication Commission, Washington, DC 20554." The date on which the application is received by the Secretary of the Commission (or the Mail Room where submitted by mail) is considered the official filing date.

(b) In addition, for all special permission applications requiring fees as set forth at part 1, subpart G of this chapter, the issuing carriers must submit the original of the application letter (without attachments), FCC Form 155, and the appropriate fee to the Mellon Bank, Pittsburgh, PA at the address set forth in § 1.1105. The carrier should submit these fee materials on the same date as the submission in paragraph (a).

(c) In addition to the requirements set forth in paragraphs (a) and (b) of this section, the issuing carrier must send a copy of the application letter with all attachments to the Secretary, Federal Communications Commission and a separate copy with all attachments to the Chief, Tariff Review Branch. If a carrier applies for special permission to revise joint tariffs, the application must state that it is filed on behalf of all carriers participating in the affected service. Applications must be numbered consecutively in a series separate from FCC tariff numbers, bear the signature of the officer or agent of the carrier, and be in the following format:

Application No.

(Date)

Secretary
Federal Communications Commission
Washington, DC 20554.

Attention: Common Carrier Bureau (here provide the statements required by § 61.152).

(Exact name of carrier) ______________

(Name of officer or agent) ______________

(Title of officer or agent) ______________

[55 FR 19173, May 8, 1990]

ADOPTION OF TARIFFS AND OTHER DOCUMENTS OF PREDECESSOR CARRIERS

§ 61.171 Adoption notice.

When a carrier's name is changed, or its operating control transferred from one carrier to another in whole or in part, the successor carrier must file tariff revisions to reflect the name change. The successor carrier may either immediately reissue the entire tariff in its own name, or immediately file an adoption notice. Within 35 days of filing an adoption notice, the successor must reissue the entire tariff in its own name. The reissued tariff must be numbered in the series of the successor carrier, and must contain all original pages without changes in regulations or rates. The transmittal letter must state the tariff is being filed to show a change in the carrier's name pursuant to § 61.171 of the Commission's Rules. The adoption notice, if used, must read as follows: The (Exact name of successor carrier or receiver) here adopts, ratifies and makes its own in every respect, all applicable tariffs and amendments filed with the Federal Communications Commission by (predecessor) prior to (date).

§ 61.172 Changes to be incorporated in tariffs of successor carrier.

When only a portion of properties is transferred to a successor carrier, that carrier must incorporate in its tariff the rates applying locally between points on the transferred portion. Moreover, the predecessor carrier must simultaneously cancel the corresponding rates from its tariffs, and reference the FCC number of the successor carrier's tariff containing the rates that will thereafter apply.

SUSPENSIONS

§ 61.191 Carrier to file supplement when notified of suspension.

If a carrier is notified by the Commission that its tariff filing has been suspended, the carrier must file immediately a consecutively numbered supplement without an effective date, which specifies the schedules which have been suspended.

§ 61.192 Contents of supplement announcing suspension.

(a) A supplement announcing a suspension by the Commission must specify the term of suspension imposed by the Commission.

(b) A supplement announcing a suspension of either an entire tariff or a part of a tariff publication, must specify the applicable tariff publication effective during the period of suspension.

§ 61.193 Vacation of suspension order; supplements announcing same; etc.

If the Commission vacates a suspension order, the affected carrier must issue a supplement or revised page stating the Commission's action as well as the lawful schedules.

PART 62—APPLICATIONS TO HOLD INTERLOCKING DIRECTORATES

GENERAL

Sec.

62.1 Scope and method of securing authorization.
62.2 Definitions.

CONTENTS OF APPLICATIONS

62.11 Information required.
62.12 Information required for findings of common ownership.

ADMINISTRATIVE REGULATIONS

62.21 Signature.
62.22 Form of application; number of copies; size of paper; etc.
62.23 Additional or different positions with same companies.
62.24 Change in status; Commission to be informed.
62.25 Authorization to hold interlocking directorates in commonly owned carriers.
62.26 Reporting requirements.

AUTHORITY: Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 212, 48 Stat. 1974, as amended; 47 U.S.C. 212.

SOURCE: 50 FR 31377, Aug. 2, 1985, unless otherwise noted.

GENERAL

§ 62.1 Scope and method of securing authorization.

No person may hold the position of officer or director in more than one carrier subject to the Communications Act of 1934, as amended, unless duly authorized to do so pursuant to the regulations set forth in this part:

(a) Application must be made to hold interlocking positions with more than one carrier subject to the Act where any carrier sought to be interlocked has been found by the Commission to have market power and is therefore defined as a dominant carrier under 47 CFR Part 61, or where any carrier has not yet been found to be non-dominant, except for cellular licensees in different geographic markets.

(b) Persons seeking positions as officers or directors of (1) cellular radio licensees in different geographic markets; (2) carriers which have been found to be non-dominant; and (3) holding or parent companies of carriers, are authorized to serve in those capacities without making application to this Commission.

[51 FR 6116, Feb. 20, 1986]

§ 62.2 Definitions.

As used in this part, the term:

(a) "Officer or director" shall include the duties, or any of the duties, ordinarily performed by a director, president, vice president, secretary, treasurer, or other officer of a carrier, such as general counsel, general solicitor, general attorney, comptroller, general auditor, general manager, general commercial manager, chief engineer, general superintendent, general land and tax agent, or chief purchasing agent;

(b) "Interlocking director" shall mean a person who performs the duties of "officer of director" in more than one carrier subject to the Communications Act of 1934, as amended; and

(c) "Commonly owned carriers" shall mean two or more carriers, one of which directly or indirectly owns more than 50 percent of the stock of the other carrier or carriers, or 50 percent or more of whose stock is owned directly or indirectly by the same person.

CONTENTS OF APPLICATIONS

§ 62.11 Information required.

Each application shall include the following information:

(a) The full name, occupation, and business address of the applicant.

(b) With respect to each carrier of which the applicant is an officer or director or seeks to be an officer of director, indicate the applicant's position, the nature of the applicant's duties, the date applicant assumed or will assume such duties, and specify every common carrier in which applicant has a financial interest, together with a description thereof.

(c) Provide a full explanation of the reasons why grant of the authority sought will not adversely affect either public or private interests. In this regard, address whether grant of the permission requested could result in anticompetitive conduct by carriers covered by the request or by carriers upon which applicant already acts as officer or director, diminution in the independence of each carrier, or potential conflicts of interests on the part of common directors or officers in violation of their fiduciary duties. Set forth any steps which will be taken by the applicant to safeguard against such occurrences.

(d) State whether the applicant has, as director or officer of any carrier subject to the Act, received for his own benefit, directly or indirectly, any money or thing of value in respect of negotiation, hypothecation, or sale of any securities issued or to be issued by such carriers, or has shared in any of the proceeds thereof, or has participated in the making or paying of any dividends of such carrier from any funds properly included in capital accounts.

§ 62.12 Information required for findings of common ownership.

Authorization to hold interlocking directorates based upon a finding of common ownership must be obtained where a carrier found to be dominant under 47 CFR Part 61 or where any carrier not yet found to be non-dominant is involved. Each application for such authorization shall state the following:

(a) The name and address of the carrier which seeks a finding that it owns more than 50 percent of the stock of another or other carriers; or the name and address of the person who seeks a finding that he owns 50 percent or more of the stock of two or more carriers; and

(b) The name and address of each carrier with respect to which the finding is sought by the applicant; for each such carrier, the total number of outstanding shares of stock of each category (common, preferred, etc.); the voting rights of each category; for each category, the number of shares directly or indirectly owned by the applicant and the percentage of the total number of outstanding shares in each category so owned. Where ownership is indirect, the applicant shall submit information regarding each intermediate entity involved to show that the applicant is the owner of the stock described.

[50 FR 31377, Aug. 2, 1985, as amended at 51 FR 6116, Feb. 20, 1986]

ADMINISTRATIVE REGULATIONS

§ 62.21 Signature.

(a) The original application filed pursuant to § 62.11, and any amendment or change in status, shall be signed by the individual applicant.

(b) The original application filed pursuant to § 62.12 should be signed by the applicant, if an individual, or by a duly authorized officer, if a company or corporation.

§ 62.22 Form of application; number of copies; size of paper, etc.

The original application and two copies thereof shall be filed with the Commission. Each copy shall bear the dates and signatures that appear on the original and shall be complete in itself, but the signatures on the copies may be stamped or typed. The application shall be submitted in typewritten or printed form, on paper not more than 8 and ½ inches wide and not more than 11 inches long, with a left-hand margin of approximately 1 and ½ inches, and if typewritten, the impression must be on only one side of the paper and must be doubled spaced.

[52 FR 5294, Feb. 20, 1987]

§ 62.23 Additional or different positions with same companies.

If an applicant has been authorized by the Commission upon application filed pursuant to § 62.11 to hold certain positions as officer or director of certain carriers and is subsequently elected or appointed, or anticipates election or appointment, to additional or different positions with one or more of the same carriers, he may report the change in the manner and form provided in § 62.24 relating to "change in status". Authorization for the holding of such additional or different positions shall be deemed granted as of the 15th day following the filing of such report, unless within that time the Commission shall call upon the applicant for additional information or for the filing of a formal application.

§ 62.24 Change in status; Commission to be informed.

Should any change occur in the status as reported under this part, the applicant shall report such change to the Commission within 30 days after such change occurs.

§ 62.25 Authorization to hold interlocking directorates in commonly owned carriers.

After the Commission has found upon application filed pursuant to § 62.12 that two or more carriers are commonly owned carriers, any duly designated person is authorized hereby to be an interlocking director of two or more such carriers. However, the authorization herein granted to any interlocking director shall be automatically canceled with respect to any position held in any such carrier which at any time ceases to be a commonly owned carrier, without notice thereof by the Commission, either to the interlocking director, to the carrier, or to the person upon whose application a finding of common ownership was made. In event of such cancellation, the interlocking director shall immediately cease and desist from acting in that capacity with respect to the carrier which has ceased to be a commonly owned carrier until such time as appropriate authorization is obtained pursuant to this part.

§ 62.26 Reporting requirements.

All persons holding interlocking positions on more than one carrier subject to the Act, including positions upon a parent or holding company of a carrier, shall report to the Commission within 30 days of assumption of the interlocking positions, including the title of the position(s) held for each carrier (or holding or parent company of a carrier) represented. This subsection shall also apply to positions upon connecting carriers as defined in 47 U.S.C. 153(u), so long as the interlock with the connecting carriers) also involves positions upon a fully subject carrier. This subsection shall not apply to persons who must file applications pursuant to §§ 62.1(a), 62.12, and 62.25 hereof.

[50 FR 31377, Aug. 2, 1985, as amended at 51 FR 6116, Feb. 20, 1986]

PART 63—EXTENSION OF LINES AND DISCONTINUANCE OF SERVICE BY CARRIERS AND GRANTS OF RECOGNIZED PRIVATE OPERATING AGENCY STATUS

EXTENSIONS AND SUPPLEMENTS

Sec.
63.01 Contents of applications.
63.02 Special provisions relating to extensions involving small projects.
63.03 Special provisions relating to small projects for supplementing of facilities.
63.04 Special provisions relating to temporary or emergency service.
63.05 Commencement and completion of construction.
63.06 Authority for supplementing facilities under approved annual program plan.
63.07 Special procedures for non dominant domestic common carriers.
63.08 Lines outside of a carrier's exchange telephone service area.
63.09 Special provisions relating to projects under § 63.58.
63.10 Special procedures for non-dominant international services.

GENERAL PROVISIONS RELATING TO ALL APPLICATIONS UNDER SECTION 214

63.50 Amendment of applications.
63.51 Additional information.
63.52 Copies required; fees; and filing periods.
63.53 Form.

APPLICATIONS OF TELEPHONE COMMON CARRIERS TO CONSTRUCT AND/OR OPERATE CABLE TELEVISION CHANNEL FACILITIES IN THEIR TELEPHONE SERVICE AREAS

63.54 Facilities for provision of video programming by a telephone common carrier in its telephone service area.
63.55 Affiliation showings.
63.56 Waivers.
63.57 Availability of pole (conduit) rights to cable operators.
63.58 Exemption.

DISCONTINUANCE, REDUCTION, AND IMPAIRMENT

63.60 Definitions.
63.61 Applicability.
63.62 Type of discontinuance, reduction, or impairment of telephone or telegraph service requiring formal application.
63.63 Emergency discontinuance, reduction, or impairment of service.
63.64 Alternative procedure in certain specified cases involving public coast stations.
63.65 Closure of public toll station where another toll station of applicant in the community will continue service.
63.66 Closure of or reduction of hours of service at telephone exchanges at military establishments.
63.69 Contents of applications to close, or reduce hours of service at, a public coast station.
63.70 Alternative procedure in certain specified cases where authority to reduce the hours of service at a public coast station is desired.
63.71 Special procedures for discontinuance, reduction or impairment of service by non-dominant carrier.
63.90 Publication and posting of notices.

CONTENTS OF APPLICATIONS; EXAMPLES

63.500 Contents of applications to dismantle or remove a trunk line.
63.501 Contents of applications to sever physical connection or to terminate or suspend interchange of traffic with another carrier.
63.504 Contents of applications to close a public toll station where no other such toll station of the applicant in the community will continue service and where telephone toll service is not otherwise available to the public through a telephone exchange connected with the toll lines of a carrier.
63.505 Contents of applications for any type of discontinuance, reduction, or impairment of telephone service not specifically provided for in this part.
63.601 Contents of applications for authority to reduce the hours of service of public coast stations under the conditions specified in § 63.70.

REQUEST FOR DESIGNATION AS A RECOGNIZED PRIVATE OPERATING AGENCY

63.701 Contents of application.
63.702 Form.

AUTHORITY: Sec. 4, 48 Stat. 1066, as amended 47 U.S.C. 154. Interpret or apply sec. 214, 48 Stat. 1075, as amended; 47 U.S.C. 214.

SOURCE: 28 FR 13229, Dec. 5, 1963, unless otherwise noted.

EXTENSIONS AND SUPPLEMENTS

§ 63.01 Contents of applications.

Except as otherwise provided in this part, any party proposing to undertake any construction of a new line, extension of any line, acquisition, lease, or operation of any line or extension thereof or engage in transmission over or by means of such line, for which authority is required under the provisions of section 214 of the Communications Act of 1934, as amended, shall request such authority by formal application which shall be accompanied by a statement showing how the proposed construction, etc. will serve the public interest, convenience, and necessity. Such statement must include the following information as applicable:

(a) The name and address of each applicant;

(b) The Government, State, or Territory under the laws of which each corporate applicant is organized;

(c) The name, title, and post office address of the officer to whom correspondence concerning the application is to be addressed;

(d) A statement as to whether the applicant is a carrier subject to section 214 of the Act or will become such a carrier as a result of the proposed construction, acquisition, or operation;

(e) A statement as to whether the facilities covered by the application will be used to extend communication service into territory at present not directly served by the applicant or to supplement existing facilities of the applicant, and the nature and classification of the communication services to be provided (e.g. telephone, telegraph, facsimile, data, private line, voice, television relay, etc.);

(f) The points between which the proposed facilities are to be located;

(g) A description of applicant's existing facilities between these points, showing specifically the total number of channels presently provided between major points on each principal route;

(h) A description of the facilities for which authority is requested, including:

(1) The number of channels of each type to be provided by such facilities;

(2) The number, if any, of wires, conductors, and coaxial units of each type (not equipped for immediate operation) capable of providing additional channels of communication only by the construction of additional apparatus, equipment, or other facilities;

(3) The types of classes of toll telephone or telegraph offices to be established;

(i) Applicant's present and estima
future requirements, both for
route of the proposed facilities and
routes from which any rerouting
the proposed facilities is contemplat
within the period of the estima
Where 60 domestic circuits or m
are to be derived from the propo
construction, acquisition, or lease,
the principal circuit groups curren
operated, the number of circuits
each group, and the estimate numb
of circuits required in each group
meet the load demands for the en
ing one year, two year, or five y
period, as may be appropriate in or
to provide adequate justification
said increases, including current tr
fic load trends, as indicated by peri
ic traffic load studies.

(j) A map or sketch showing:

(1) Route of proposed project;

(2) Type and ownership of structu
(open wire, aerial cable, undergrou
cable, carrier systems, etc.);

(3) Facilities, if any, to be removed

(4) Cities, towns, and villages alo
routes indicated on map or sket
with approximate population of ea
and route mileage between the prin
pal points;

(5) Location of important operati
centers, and repeater or relay points

(6) State boundary lines throu
which the proposed facilities w
extend;

(7) Topographical features whi
may require special consideration
entail added cost;

(k) One or more of the followi
statements, as pertinent:

(1) If proposed facilities are to
constructed, the details thereof,
cluding summary of cost estima
separately by Plant Accounts affect
(in case of construction by or for t
or more parties, the quantities of
cilities of each kind acquired by ea
and the cost attributed thereto), qua
tities and cost of major materials; a
amount of labor and cost thereof;

(2) If proposed facilities are to
leased, the details thereof, includi
the name of the lessor, a summary
the terms of the lease arrangemen
(or a copy of the lease), the anticip
ed lease rental, setting up charg
added equipment costs, and each oth
added cost to the applicant;

(3) If proposed facilities are to be purchased, the name of the vendor; a detailed description of all the properties involved including assets other than plant being acquired in connection with the same transaction; a complete description of the contractual arrangements relating to the sale or a copy of the contract; added equipment cost and each other added cost to the applicant; a statement of the original cost of, and the related reserve requirement for depreciation applicable to, the plant to be acquired (with a full explanation of the manner in which these amounts were determined) including, when appropriate, a separate statement of such amounts applicable to duplicate or other plant which will be retired by the vendee in the reconstruction of the acquired property or its consolidation with previously owned property; and a statement of the estimated annual savings in expenses expected to result from the proposed acquisition;

(4) If facilities are to be acquired or operated other than by lease or purchase a detailed description of the facilities involved; the terms of the contract or other arrangement relating to such acquisition or operation; added equipment costs; and each other added cost to the applicant;

(l) A summary of the factors showing the public need for the proposed facilities;

(m) Economic justification for the proposed project including, where the application involves an extension into new territory at present not directly served by the applicant, estimated added revenues and costs and the basis therefor;

(n) Description of the manner and means by which interstate and foreign communication services of a similar character are now being rendered by the applicant and others in the area to be served by the proposed facilities, including reasons why existing facilities are inadequate;

(o) Proposed tariff charges and regulations;

(p) A statement of the accounting proposed to be performed in connection with the project. If the facilities are to be acquired by purchase, such proposed accounting shall be presented in journal entry form (on an estimated basis if actual amounts are not available), together with a full explanation of the manner in which the respective amounts were determined.

(q) A statement whether an authorization of the facilities is categorically excluded as defined by § 1.1306 of the Commission's rules. If answered affirmatively, an environmental assessment as described in § 1.1311 need not be filed with the application.

(Sec. 303, 48 Stat., as amended 1082; 47 U.S.C. 303)

[28 FR 13229, Dec. 5, 1963, as amended at 41 FR 20661, May 20, 1976; 45 FR 6585, Jan. 29, 1980; 50 FR 18659, May 2, 1985; 51 FR 15003, Apr. 22, 1986]

§ 63.02 Special provisions relating to extensions involving small projects.

Applications involving extension of service into domestic territory at present not directly served by the applicant by the construction, acquisition, or operation of facilities, the cost of which to the applicant does not exceed $50,000 or the annual rental of which does not exceed $10,000, may omit the information called for by § 63.01 that is clearly not relevant to such extension. (Normally the information required by § 63.01(h)(1), (h)(2), (i), (j), and (k)(1) may be omitted.) At minimum, the application shall contain a general description of the existing and proposed facilities, points of service, and cost.

(Sec. 303, 48 Stat., as amended 1082; 47 U.S.C. 303)

[41 FR 20661, May 20, 1976]

§ 63.03 Special provisions relating to small projects for supplementing of facilities.

(a) Facilities authorized under this section are limited to those that supplement existing facilities. Excluded from consideration under this section are applications that would involve:

(1) A new or modified service;

(2) One or more points of service not previously authorized to the applicant for the type of service involved;

(3) New transmission facilities (excluding supplemental radio transmitters) over which applicant has not pre-

viously received authority under Part 63;

(4) An action that may have a significant impact upon the environment, see § 1.1307 of this chapter.

(5) International channels exceeding 16 voice grade circuits for voice carriers or 6 voice grade circuits for record carriers; or

(6) Domestic channels where the construction or acquisition cost exceeds $1,000,000 or where the annual rental exceeds $200,000.

(b) Applications submitted under this section shall be clearly identified as requesting authority pursuant to this section and the original shall be accompanied by two copies. The application shall contain a statement showing how the proposed acquisition, lease, operation or construction would serve the public interest, convenience, and necessity. Such statement must include information concerning:

(1) The terminal communities between which the proposed facilities are to be located;

(2) A statement as to the type of communications services which will be provided on the proposed facilities;

(3) The need for the proposed construction, acquisition, lease or operation;

(4) A description of the proposed facilities giving the number of each type of communication channel to be provided thereby;

(5) The estimated construction cost, annual rental, or purchase price, as appropriate for the proposed facilities;

(6) The route mileage of the facilities involved (excluding leased facilities) and airline mileage between terminal communities in the proposed project; and

(7) The accounting to be performed by the carrier with respect to the proposed project.

(c) In addition to the requirements of paragraph (b) of this section, applications involving overseas circuits shall:

(1) Cite by file number and date of adoption a currently effective Commission Order granted pursuant to § 63.01 granting the applicant authority to acquire like facilities for the provision of service between the points for which authority for additional circuitry is being requested. Where t applicant has been granted a curren effective authorization (Blank Order) which specifies in an appenc to that Commission Order all or mo of the facilities of a specific type (e satellite circuits provided by satellit over a given ocean basin, circuits in single submarine cable system, etc the applicant has been authorized use to serve the ocean basin, area country to which applicant is seeki to acquire supplemental facilities, th applicant shall cite that authorizatio

(2) Contain a specific statement th applicant will construct, acquire anc or operate the requested facilities accordance with the terms and cond tions of the Order cited pursuant paragraph (c)(1) of this section.

(3) When the Commission Orde cited pursuant to paragraph (c)(1) c this section is a Blanket Authoriz tion, applicant shall submit a revise Appendix showing the changes there to which will occur on grant of its ap plication.

(d) Such supplementing of facilitie shall be deemed to have been author ized by the Commission effective as o the 21st day the Commission shal notify the applicant to the contrary Where supplemental facilities are au thorized under this section, they shal be considered subject to the same terms and conditions, if any, that the Commission has imposed upon a prior authorization which is being supplemented.

(e) Any carrier may request continuing authority, subject to termination by the Commission at any time upon 10 days' notice to the carrier, to commence small projects for the supplementing of existing facilities. Such an application shall set forth the need for such authority; however, it shall not be considered granted pursuant to paragraph (d) of this section. Upon authorization of such continuing authority by the Commission, the carrier may commence small projects subject to the limitations set forth in paragraph (a) of this section, except that the construction, installation and acquisition cost for each project shall be limited to $70,000 or an annual rental of $14,000. Not later than the 30th day following the end of each calender year covered by such authority, the carrier shall file a report in writing on the projects commenced pursuant to continuing authority except that carriers planning to file an application under an approved annual program, see § 63.06, shall file their report as an exhibit to the annual application. The report shall make reference to this paragraph and set forth, with respect to each project (construction, installation, acquisition, lease including any renewal thereof, and operation) which was commenced thereunder, the following information:

(1) The type of facility constructed, installed, acquired, or leased;

(2) The route mileage thereof (excluding leased facilities);

(3) The terminal communities served and airline mileage between such communities;

(4) The cost thereof, including construction, installation, acquisition, or lease; and

(5) When appropriate, the name of the lessor company and the dates of commencement and termination of the lease.

(Sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

[41 FR 20661, May 20, 1976, as amended at 49 FR 22818, June 1, 1984; 55 FR 20397, May 16, 1990]

§ 63.04 Special provisions relating to temporary or emergency service.

(a) For the purpose of this section the following definitions shall apply:

(1) "Temporary service" shall mean service for a period not exceeding 6 months;

(2) "Emergency service" shall mean service for which there is an immediate need occasioned by conditions unforeseen by, and beyond the control of, the carrier.

(b) Requests for immediate authority for temporary service or for emergency service may be made by letter or telegram setting forth why such immediate authority is required, the nature of the emergency, the type of facilities proposed to be used, the route mileage thereof, the terminal communities to be served, and airline mileage between such communities; how these points are presently being served by the applicant or other carriers, the need for the proposed service, the cost involved including any rentals, the date on which the service is to begin, and where known, the date or approximate date on which the service is to terminate.

(c) Without regard to the other requirements of this part, and by application setting forth the need therefor, any carrier may request continuing authority, subject to termination by the Commission at any time upon 10 days' notice to the carrier, to provide temporary or emergency service by the construction or installation of facilities where the estimated construction, installation, and acquisition costs do not exceed $35,000 or an annual rental of not more than $7,000 provided that such project does not involve a major action under the Commission's environmental rules. (See Subpart I of Part 1 of this chapter.) Any carrier to which continuing authority has been granted under this paragraph shall, not later than the 30th day following the end of each 6-month period covered by such authority, file with the Commission a statement in writing making reference to this paragraph and setting forth, with respect to each project (construction, installation, lease, including any renewals thereof), which was commenced or, in the case of leases, entered into under such authority, and renewal or renewals thereof which were in continuous effect for a period of more than one week, the following information:

(1) The type of facility constructed, installed, or leased;

(2) The route mileage thereof (excluding leased facilities);

(3) The terminal communities served and the airline mileage between terminal communities in the proposed project;

(4) The cost thereof, including construction, installation, or lease;

(5) Where appropriate, the name of the lessor company, and the dates of commencement and termination of the lease.

(d)(1) A request may be made by any carrier for continuing authority to lease and operate, during any emergency when its regular facilities become inoperative or inadequate to handle its traffic, facilities or any other carrier between points between which applicant is authorized to communicate by radio for the transmission of traffic which applicant is authorized to handle.

(2) Such request may be made by letter or telegram making reference to this paragraph and setting forth the points between which applicant desires to operate facilities of other carriers and the nature of the traffic to be handled thereover.

(3) Continuing authority for the operation thereafter of such alternate facilities during emergencies shall be deemed granted effective as of the 21st day following the filing of the request unless on or before that date the Commission shall notify the applicant to the contrary: provided, however, Applicant shall, not later than the 30th day following the end of each quarter in which it has operated facilities of any other carrier pursuant to authority granted under this paragraph, file with the Commission a statement in writing making reference to this paragraph and describing each occasion during the quarter when it has operated such facilities, giving dates, points between which such facilities were located, hours or minutes used, nature of traffic handled, and reasons why its own facilities could not be used.

(Sec. 303, 48 Stat., as amended 1082; 47 U.S.C. 303)

[28 FR 13229, Dec. 5, 1963, as amended at 41 FR 20662, May 20, 1976]

§ 63.05 Commencement and completion of construction.

Unless otherwise determined by the Commission upon proper showing in any particular case, in the event construction shall not have been begun upon a project involving an expenditure of more than $500,000, or where facilities authorized have not been leased or acquired, within 12 months from the date of the Commission's authorization, or all or part of the proposed facilities shall not have been placed in operation within 36 months after such date, such authorization shall terminate at the end of such 12 or 36 months' period, as the case may be; in the case of projects involving an expenditure of $500,000 or less, the authorization therefor shall terminate at the end of 9 months or 18 months, as the case may be, in the event construction thereof shall not have been commenced, or the facilities placed in operation, within such respective periods.

(Sec. 303, 48 Stat., as amended 1082; 47 U.S.C. 303)

[41 FR 20662, May 20, 1976]

§ 63.06 Authority for supplementing facilities under approved annual program plan.

Any carrier may submit to the Commission a procedure pursuant to which such carrier proposes to request authority covering an annual program of projects for the supplementing of its existing facilities. After approval of such proposed procedure by the Commission, such carrier may request such authority in accordance with such procedure in lieu of filing separate applications for individual projects pursuant to §§ 63.01 and 63.03.

§ 63.07 Special procedures for non-dominant domestic common carriers.

(a) Any party that would be a non-dominant domestic interstate communications common carrier is authorized to provide domestic, interstate services to any domestic point and to construct, acquire, or operate any transmission line as long as it obtains all necessary authorizations from the Commission for use of radio frequencies.

(b) Any non-dominant carrier that constructs or acquires (not by lease) initial or additional circuits shall report these circuits to the Commission semi-annually. These reports shall be filed on a consolidated basis on February 1 (covering facilities over which service was initiated during the preceding July 1 to December 31 period) and August 1 (covering facilities over which service was initiated during the preceding January 1 to June 30 period) of each year. These reports shall include:

(1) Caption—"Section 63.07 Report," including initial certification file number (if assigned);

(2) Name and address of carrier;

(3) Type, number and terminal points of circuits added; (in addition, if service is provided via satellite, the identity of the satellite(s) and a transponder-by-transponder loading); and

(4) Construction cost. The Commission may request supplemental information.

[49 FR 34831, Sept. 4, 1984]

§ 63.08 Lines outside of a carrier's exchange telephone service area.

(a) An exchange telephone common carrier or its affiliate is not required to file for authority pursuant to 47 U.S.C. 214 and 47 CFR 63.01 to provide lines, or for existing lines, outside of the exchange telephone service area of that carrier and any of its affiliates when the lines are (i) for its own cable television service; (ii) for its non-common carrier services; or (iii) sold to an unaffiliated party. "Affiliate" is defined as in 47 CFR 63.54.

(b) If a nondominant common carrier and its affiliates are not affiliated with an exchange telephone common carrier, the nondominant carrier or its affiliate is not required to file for authority pursuant to 47 U.S.C. 214 and 47 CFR 63.01 to provide lines, or for existing lines, of the types described in paragraph (a) of this section between any domestic points. "Affiliate" is defined as in 47 CFR 63.54 and "nondominant" is defined as in 47 CFR 61.15a.

(c) A common carrier or its affiliate is not required to file for authority pursuant to 47 U.S.C. 214 and 47 CFR 63.01 to discontinue, reduce, or impair its own cable television service or any other non-common carrier service.

(d) A common carrier's costs of providing lines for non-common carrier offerings and costs of providing such offerings must be entered on books of account separate from those for its common carrier services.

[49 FR 21335, May 21, 1984]

§ 63.09 Special provisions relating to projects under § 63.58.

(a) Applications of telephone common carriers proposing to construct and operate or acquire and operate systems providing video programming in rural areas within their telephone service areas either directly or indirectly through affiliates pursuant to § 63.58 need submit only the following information in lieu of that required by § 63.01:

(1) Applicant's name, address and telephone number. This information shall also be submitted for Applicant's affiliate, if applicable;

(2) Whether Applicant or its affiliate will construct, own and operate, or acquire and operate, the cable system;

(3) Location of the proposed system (city, town or village, county, and state);

(4) Certification that the area proposed for service is rural as defined in § 63.58, and as derived from the most recently published statistics of the U.S. Department of Commerce, Bureau of the Census;

(5) Certification that Applicant is franchised to provide the service pursuant to Title VI of the Communications Act, and date of franchise; and

(b) An original and two copies of the application shall be furnished to the Secretary, Federal Communications Commission, Washington, DC 20554. Applicant shall furnish a copy to the Governor of the state in which the line is to be constructed or acquired, and also to the Secretary of Defense, Attn. Special Assistant for Telecommunications, Pentagon, Washington, DC 20301.

[50 FR 18659, May 2, 1985]

§ 63.10 Special procedures for non-dominant international services.

(a) Any party that would be a non-dominant international communications service provider must file an application pursuant to § 63.01 for certification to initiate that service to any geographic market or to construct, acquire or operate lines in any new major common carrier facility project or to acquire or operate any facility offering capacity on a non-common carrier basis.

(b) Any party certified to provide non-dominant international communications services to a particular geographic market shall report circuit additions on a semi-annual basis. Circuit additions should indicate the specific services provided (*e.g.* IMTS or telex) and the country served. These reports shall be filed on a consolidated basis on February 1 (covering facilities over which service was initiated during the preceding July 1 to December 31 period) and August 1 (covering facilities over which service was initiated during the preceding January 1 to June 30 period) of each year.

(c) Any party certified to provide non-dominant international communications services to a particular geographic market is required to give 120 days notice prior to discontinuing service to that geographic market.

[50 FR 48203, Nov. 22, 1985; 51 FR 2708, Jan. 21, 1986]

GENERAL PROVISIONS RELATING TO ALL APPLICATIONS UNDER SECTION 214

§ 63.50 Amendment of applications.

Any application may be amended as a matter of right prior to the date of any final action taken by the Commission or designation for hearing. Amendments to applications shall be signed and submitted in the same manner, and with the same number of copies as was the original application. If a petition to deny or other formal objections have been filed to the application, the amendment shall be served on the parties.

(Sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

[41 FR 20662, May 20, 1976]

§ 63.51 Additional information.

The applicant shall furnish any additional information which the Commission may require after a preliminary examination of the application or request. Where an applicant fails to respond to official correspondence or request for additional material, the application may be dismissed without prejudice.

(Sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

[41 FR 20662, May 20, 1976]

§ 63.52 Copies required; fees; and filing periods.

(a) Unless otherwise specified the Commission shall be furnished with an original and 5 copies of applications filed under section 214 of the Communications Act of 1934, as amende Provided, however, that where appl cations involve only the supplementa tion of existing domestic facilities, an the issuance of a certificate is not r quired, an original and 2 copies of th application shall be furnished. Upo request by the Commission additiona copies of the application shall be fu nished. Each application shall be a companied by the fee prescribed i Subpart G of Part 1 of this chapter.

(b) No application accepted for filin and subject to the provisions o §§ 63.01, 63.02, 63.54, 64.62 (with th exception of 63.62(c)), 63.69, 63.9 63.502, or 63.505 of the rules shall b granted by the Commission earlie than 30 days following issuance o public notice by the Commission o the acceptance for filing of such appl cation or any major amendmen unless said public notice specifies an other time period.

(c) Any interested party may file petition to deny an application withi the 30-day or other time period spec fied in paragraph (b) of this sectio The petitioner shall serve a copy o such petition on the applicant no late than the date of filing thereof wit the Commission. The petition sha contain specific allegations of fact su ficient to show that the petitioner is party in interest and that a grant o the application would be prima faci inconsistent with the public interes convenience and necessity. Such alle gations of fact shall, except for thos of which official notice may be taken be supported by affidavit of a perso or persons with personal knowledg thereof. The applicant may file an op position to any petition to deny, an the petitioners may file a reply t such opposition (see § 1.45 of thi chapter), and allegations of facts o denials thereof shall similarly be sup ported by affidavit. These responsiv pleadings shall be served on the appli cant or petitioners, as appropriate, an other parties to the proceeding.

(Sec. 303, 48 Stat. 1082, as amended; 4 U.S.C. 303)

[41 FR 20662, May 20, 1976; 41 FR 2227 June 2, 1976, as amended at 42 FR 3645 July 15, 1977]

§ 63.53 Form.

Applications under section 214 of the Communications Act shall be submitted on paper not more than 8½ inches wide and not more than 14 inches long, with a left-hand margin of 1½ inches. This requirement shall not apply to original documents, or admissible copies thereof, offered as exhibits or to specially prepared exhibits. The impression shall be on one side of the paper only and shall be double-spaced, except that long quotations shall be single-spaced and indented. All papers, except charts and maps, shall be typewritten or prepared by mechanical processing methods, other than letter press, or printed. The foregoing shall not apply to official publications. All copies must be clearly legible.

APPLICATIONS OF TELEPHONE COMMON CARRIERS TO CONSTRUCT AND/OR OPERATE CABLE TELEVISION CHANNEL FACILITIES IN THEIR TELEPHONE SERVICE AREAS

§ 63.54 Facilities for provision of video programming by a telephone common carrier in its telephone service area.

(a) No telephone common carrier subject in whole or in part to the Communications Act of 1934 shall engage in the provision of video programming to the viewing public in its telephone service area, either directly, or indirectly through an affiliate owned by, operated by, controlled by, or under common control with the telephone common carrier.

(b) No telephone common carrier subject in whole or in part to the Communications Act of 1934 shall provide channels of communications or pole line conduit space, or other rental arrangements, to any entity which is directly or indirectly owned by, operated by, controlled by, or under common control with such telephone common carrier, where such facilities or arrangements are to be used for, or in connection with, the provisions of video programming to the viewing public in the telephone service area of the telephone common carrier.

NOTE 1: (a) As used above, the terms "control" and "affiliate" bar any financial or business relationship whatsoever by contract or otherwise, directly or indirectly between the carrier and the customer, except only the carrier-user relationship.

(b) Examples of situations in which a carrier and its customer will be deemed to be controlled or having a relationship include the following, among others: Where one is the debtor or creditor of the other (except with respect to charges for communication services); where they have a common officer, director, or other employee at the management level; where there is any element of ownership or other financial interest by one in the other; and where any party has a financial interest in both.

NOTE 2: In applying the provisions of this section to the stockholders of a corporation which has more than 50 stockholders:

(a) Only those stockholders need be considered who are officers or directors or who directly or indirectly own 1 percent or more of the outstanding voting stock.

(b) Stock ownership by an investment company, as defined in 15 U.S.C. 80a-3 (commonly called a mutual fund), need be considered only if it directly or indirectly owns 3 percent or more of the outstanding voting stock or if officers or directors of the corporation are representatives of the investment company. Holdings by investment companies under common management shall be aggregated. If an investment company directly or indirectly owns voting stock in an intermediate company which in turn directly or indirectly owns 50 percent or more of the voting stock of the corporation, the investment company shall be considered to own the same percentage of outstanding shares of such corporation as it owns of the intermediate company: *Provided, however*, That the holding of the investment company need not be considered where the intermediate company owns less than 50 percent of the voting stock, but officers or directors of the corporation who are representatives of the intermediate company shall be deemed to be representatives of the investment company.

(c) In cases where record and beneficial ownership of voting stock is not identical (e.g., bank nominees holding stock as record owners for the benefit of mutual funds, brokerage houses holding stock in street name for the benefit of customers, trusts holding stock as record owners for the benefit of designated parties), the party having the right to determine how the stock will be voted will be considered to own it for the purposes of this section.

(Secs. 4, 303, 307, 48 Stat. 1066, 1082, 1083, as amended; (47 U.S.C. 154, 303, 307))

[45 FR 82948, Dec. 17, 1980, as amended at 50 FR 18660, May 2, 1985]

§ 63.55 Affiliation showings.

Except as provided for in § 63.56, applications by telephone common carriers for authority to construct and/or operate distribution facilities for channel service to cable systems in their service areas shall include a showing that the applicant is unrelated and unaffiliated, directly or indirectly, with the proposed cable operator.

[50 FR 18660, May 2, 1985]

§ 63.56 Waivers.

(a) In those areas where the provision of video programming to the viewing public demonstrably could not exist except through a cable system owned by, operated by, controlled by, or affiliated with the local telephone common carrier, or upon other showing of good cause, the provisions of §§ 63.54 and 63.55 may be waived, on the Commission's own motion or on petition for waiver, if the Commission finds that the public interest, convenience and necessity would be served thereby.

(b) Telephone company waiver requests may enjoy a rebuttable evidentiary presumption to the effect that cable service could not presently exist except through a cable system operated by, controlled by, or affiliated with the local telephone common carrier, if the waiver request includes:

(1) A general statement of why the public interest, convenience and necessity would be served by a waiver;

(2) A demonstration that the proposed service area has a density of less than thirty households per route mile of coaxial cable trunk and feeder line;

(3) Evidence that notice was given by newspaper advertisement(s) or other appropriate means, of waiver petitioner's intention to construct and/or operate the proposed cable system, including the name of the newspaper, the date(s) of the advertisement(s) and the area in which the newspaper is distributed; and

(4) The affidavit of the person(s) with actual knowledge of the facts alleged by the waiver request, and the verification of the person(s) who prepared the exhibits to the waiver request.

(c) Telephone company waiver requests shall not enjoy the rebuttable evidentiary presumption of paragraph (b) of this section, and shall contain the showings required by the Commission, including notice as specified in § 63.56(b)(3), if the proposed service area has a density of thirty or more households per route mile of coaxial cable trunk and feeder line.

(d) Interested persons may submit comments on, or opposition to, the petition for waiver within thirty days after the Commission gives public notice that the petition has been filed. Upon good cause shown in the petition for waiver, the Commission may specify a shorter time for such submission. Comments or oppositions shall be served upon the petitioner, and shall contain a complete and detailed showing, supported by affidavit, of any facts or considerations relied upon. An opposition may seek to rebut the evidentiary presumption of paragraph (b) of this section by a showing that:

(1) The density of the area to be served is thirty or more households per route mile; or

(2) The opposing party has a present intention to offer nonaffiliated cable service.

Evidence in support of the showing in paragraph (d)(1) of this section must be submitted within the public notice period. Evidence in support of the showing in paragraph (d)(2) of this section must be submitted within the public notice period unless an extension of time requested within that period is granted for good cause shown; evidence must include financial, technical, and other data sufficient to show the opposing party's ability to institute essentially the same service to approximately the same number of households within the same time frame as proposed by the waiver petitioner. Extensions will generally not be granted for a period to exceed thirty days.

(e) The petitioner may file a reply to the comments, or oppositions, within thirty days after their submission, and shall serve copies upon all persons who have filed pleadings.

(f) The Commission, after consideration of the pleadings, will determine whether the public interest, convenience and necessity would be served by the grant or denial of the petition, in whole or in part. The Commission may specify other procedures, such as oral argument, evidentiary hearing, or further written submission directed to particular aspects, as it deems appropriate.

(Secs. 4, 303, 307, 48 Stat., as amended 1066, 1082, 1083 (47 U.S.C. 154, 303, 307); Secs. 1, 2, 4, 201-205, 208, 215, 218, 313, 403, 404, 410, 602; 48 Stat. as amended; 1064, 1066, 1070-1073, 1076, 1077, 1087, 1094, 1098, 1102; 47 U.S.C. 151, 152, 154, 201-205, 208, 215, 218, 313, 314, 403, 404, 410, 602)

[45 FR 82949, Dec. 17, 1980, as amended at 46 FR 31421, June 16, 1981; 50 FR 18659, May 2, 1985]

§ 63.57 Availability of pole (conduit) rights to cable operators.

Applications by telephone common carriers for authority to construct and/or operate distribution facilities for channel service to cable systems shall include a showing (in addition to the conditions set forth in the above sections) that the independent cable system proposed to be served had available, at its option, and within the limitations of technical feasibility, pole attachment rights (or conduit space, as the case may be) at reasonable charges and without undue restrictions on the uses that may be made of the channel by the operator. This availability must exist not only at the time of the authorization but also prior to the operator's decision to seek an award of a local franchise, if such is required, and such policy of the applicant must be made known to the local franchising authority. Separate documents, attesting to the above conditions, by the cable operator and, where applicable, by the appropriate local franchising authority must be annexed to the application.

[50 FR 18660, May 2, 1985]

§ 63.58 Exemption.

(a) A telephone common carrier shall be exempt from the provisions of §§ 63.54 through 63.56 if the proposed service area contains none of the following:

(1) Any incorporated place of 2,500 inhabitants or more, or any part thereof;

(2) Any unincorporated place of 2,500 inhabitants or more, or any part thereof; or

(3) Any other territory, incorporated or unincorporated, included in an urbanized area.

(b) All population statistics and definitions used in qualifying for this exemption shall be the most recent available from the U.S. Department of Commerce, Bureau of the Census. In no event shall any statistics resulting from censuses prior to 1980 be used.

NOTE: The Census Bureau has defined some incorporated places of 2,500 inhabitants or more as "extended cities." Such cities consist of an urban part and a rural part. If the proposed service area includes a rural part of an extended city, but otherwise includes no territory described in paragraph (a)(1), (2) or (3) of this section, an exemption shall apply.

[46 FR 58687, Dec. 3, 1981, as amended at 50 FR 18660, May 2, 1985]

DISCONTINUANCE, REDUCTION, AND IMPAIRMENT

§ 63.60 Definitions.

For the purposes of this part, the following definitions shall apply:

(a) "Discontinuance, reduction, or impairment of service" includes, but is not limited to the following:

(1) The closure by a carrier of a telephone exchange rendering interstate or foreign telephone toll service, a public toll station serving a community or part of a community, or a public coast station as defined in § 80.5 of this chapter;

(2) The reduction in hours of service by a carrier at a telephone exchange rendering interstate or foreign telephone toll service, at any public toll station (except at a toll station at which the availability of service to the public during any specific hours is subject to the control of the agent or other persons controlling the premises on which such office or toll station is located and is not subject to the control of such carrier), or at a public coast station; the term "reduction in hours of service" does not include a shift in hours which does not result in

any reduction in the number of hours of service.

(3) [Reserved]

(4) The dismantling or removal from service of any trunk line by a carrier which has the effect of impairing the adequacy or quality of service rendered to any community or part of a community;

(5) The severance by a carrier of physical connection with another carrier (including connecting carriers as defined in section 3(u) of the Communications Act of 1934, as amended) or the termination or suspension of the interchange of traffic with such other carrier;

(b) "Emergency discontinuance, reduction, or impairment of service" means any discontinuance, reduction, or impairment of the service of a carrier occasioned by conditions beyond the control of such carrier where the original service is not restored or comparable service is not established within a reasonable time. For the purpose of this part, a reasonable time shall be deemed to be a period not in excess of the following: 10 days in the case of discontinuance, reduction, or impairment of service at telegraph offices operated directly by the carrier; 15 days in the case of jointly-operated or agency telegraph offices; 10 days in the case of public coast stations; and 60 days in all other cases;

(c) "Public toll station" means a public telephone station, located in a community, through which a carrier provides service to the public, and which is connected directly to a toll line operated by such carrier.

[28 FR 13229, Dec. 5, 1963, as amended at 45 FR 6585, Jan. 29, 1980; 51 FR 31305, Sept. 2, 1986]

§ 63.61 Applicability.

Any carrier subject to the provisions of section 214 of the Communications Act of 1934, as amended, except any non-dominant carrier as this term is defined in § 61.15(a) of this chapter, proposing to discontinue, reduce, or impair interstate or foreign telephone or telegraph service to a community, or a part of a community, shall request authority therefor by formal application or informal request as specified in the pertinent sections of this part: *Provided, however,* That where service is expanded on an experimental basis for a temporary period of not more than 6 months, no application shall be required to reduce service to its status prior to such expansion but a written notice shall be filed with the Commission within 10 days of the reduction showing (a) date on which, places at which, and extent to which service was expanded and (b) date on which, places at which, and extent to which such expansion of service was discontinued:

And provided further, That a licensee of a radio station who has filed an application for authority to discontinue service provided by such station shall during the period that such application is pending before the Commission, continue to file appropriate applications as may be necessary for extension or renewal of station license in order to provide legal authorization for such station to continue in operation pending final action on the application for discontinuance of service.

[28 FR 13229, Dec. 5, 1963, as amended at 45 FR 76169, Nov. 18, 1980]

§ 63.62 Type of discontinuance, reduction or impairment of telephone or telegraph service requiring formal application.

Authority for the following types of discontinuance, reduction, or impairment of service shall be requested by formal application containing the information required by the Commission in the appropriate sections to this part, except as provided in paragraphs (c) and (e) of this section, or in emergency cases (as defined in § 63.60(b)) as provided in § 63.63:

(a) The dismantling or removal of a trunk line (for contents of application see § 63.500);

(b) The severance of physical connection or the termination or suspension of the interchange of traffic with another carrier (for contents of application, see § 63.501);

(c) [Reserved]

(d) The closure of a public toll station where no other such toll station of the applicant in the community will continue service (for contents of application, see § 63.504): *Provided, howev-*

er, That no application shall be required under this part with respect to the closure of a toll station located in a community where telephone toll service is otherwise available to the public through a telephone exchange connected with the toll lines of a carrier;

(e) The closure of, or reduction of hours of service at, a public coast station (for contents of application, see § 63.69) except that this paragraph shall not apply to the cases specified in § 63.70 where the carrier elects to follow the procedure prescribed in that section;

(f) Any other type of discontinuance, reduction or impairment of telephone service not specifically provided for by other provisions of this part (for contents of application, see § 63.505);

(g) An application may be filed requesting authority to make a type of reduction in service under specified standards and conditions in lieu of individual applications for each instance coming within the type of reduction in service proposed.

[28 FR 13229, Dec. 5, 1963, as amended at 45 FR 6585, Jan. 29, 1980]

§ 63.63 Emergency discontinuance, reduction or impairment of service.

(a) Application for authority for emergency discontinuance, reduction, or impairment of service shall be made by filing an informal request in quintuplicate as soon as practicable but not later than 15 days in the case of public coast stations; or 65 days in all other cases, after the occurrence of the conditions which have occasioned the discontinuance, reduction, or impairment. The request shall make reference to this section and show the following:

(1) The effective date of such discontinuance, reduction, or impairment, and the identification of the service area affected;

(2) The nature and estimated duration of the conditions causing the discontinuance, reduction, or impairment;

(3) The facts showing that such conditions could not reasonably have been foreseen by the carrier in sufficient time to prevent such discontinuance, reduction, or impairment;

(4) A description of the service involved;

(5) The nature of service which will be available or substituted;

(6) The effect upon rates to any person in the community;

(7) The efforts made and to be made by applicant to restore the original service or establish comparable service as expeditiously as possible.

(b) Authority for the emergency discontinuance, reduction, or impairment of service for a period of 60 days shall be deemed to have been granted by the Commission effective as of the date of the filing of the request unless, on or before the 15th day after the date of filing, the Commission shall notify the carrier to the contrary. Renewal of such authority may be requested by letter or telegram, filed with the Commission not later than 10 days prior to the expiration of such 60-day period, making reference to this section and showing that such conditions may reasonably be expected to continue for a further period and what efforts the applicant has made to restore the original or establish comparable service. If the same or comparable service is reestablished before the termination of the emergency authorization, the carrier shall notify the Commission promptly. However, the Commission may, upon specific request of the carrier and upon a proper showing, contained in such informal request, authorize such discontinuance, reduction, or impairment of service for an indefinite period or permanently.

[28 FR 13229, Dec. 5, 1963, as amended at 45 FR 6585, Jan. 29, 1980]

§ 63.64 Alternative procedure in certain specified cases involving public coast stations.

(a) In the following cases a carrier may, in lieu of filing formal application, file in quintuplicate an informal request for authority:

(1) Where applicant proposes to close a branch, agency, or jointly-operated office located within a quarter of a mile of another office of the applicant with the same or longer hours of

service and equal or better pickup and delivery facilities which will be made available to the area served by the office to be closed, and the average number of messages sent and received at the office to be closed, for the preceding 6 months, has been 50 or less per day;

(2) Where applicant proposes to close a branch, agency, or jointly-operated office located in a community served by another office of applicant which has the same or longer hours of service and equal or better pickup and delivery facilities which will be made available to the area served by the office to be closed, and the average number of messages sent and received at the office proposed to be closed for the preceding 6 months has been 15 or less per day;

(3) Where applicant proposes to discontinue or to reduce the hours of a seasonal office.

(b) Such informal request shall make reference to this section; state the location, address, class of office, and office hours of the office affected by the request; and give sufficient facts to show that the proposed closure or reduction in hours comes within the special provision of this section. Authority for such closure or reduction shall be deemed to have been granted by the Commission effective as of the 60th day following the date of filing of such request unless, on or before the 60th day, the Commission shall notify the carrier to the contrary.

[28 FR 13229, Dec. 5, 1963, as amended at 45 FR 6585, Jan. 29, 1980]

§ 63.65 Closure of public toll station where another toll station of applicant in the community will continue service.

(a) Except in emergency cases (as defined in § 63.60(b) and as provided in § 63.63), authority to close a public toll station in a community in which another toll station of the applicant will continue service shall be requested by an informal request, filed in quintuplicate, making reference to this paragraph and showing the following:

(1) Location of toll station to be closed and distance from nearest toll station to be retained;

(2) Description of service area affec ed, including approximate populatic and character of the business of th community;

(3) Average number of toll telephor messages sent-paid and received-co lect for the preceding six months;

(4) Average number of telegrap messages sent-paid and received-co lect for the preceding six months;

(5) Statement of reasons for desirin to close the station.

(b) Authority for closures requeste under paragraph (a) of this sectio shall be deemed to have been grante by the Commission effective as of th 15th day following the date of filin such request unless, on or before th 15th day, the Commission shall notif the carrier to the contrary.

§ 63.66 Closure of or reduction of hours service at telephone exchanges at mil tary establishments.

Where a carrier desires to close c reduce hours of service at a telephon exchange located at a military estal lishment because of the deactivatio of such establishment, it may, in lie of filing formal application, file i quintuplicate an informal reques Such request shall make reference t this section and shall set forth th class of office, address, date of pro posed closure or reduction, descriptio of service to remain or be substitute statement as to any difference i charges to the public, and the reason for the proposed closure or reductio Authority for such closure or reduc tion shall be deemed to have bee granted by the Commission, effectiv as of the 15th day following the dat of filing of such request, unless, on c before the 15th day, the Commissio shall notify the carrier to the co trary.

[45 FR 6585, Jan. 29, 1980]

§ 63.69 Contents of applications to clos or reduce hours of service at, a publi coast station.

(a) The name and address of eac applicant.

(b) The name, title, and post offic address of the officer to whom corre spondence concerning the applicatio is to be addressed;

(c) Nature of proposed discontinuance, reduction, or impairment of service:

(1) Name and location of coast station involved, street address, present hours of service, proposed hours of service, extent and character of any local pickup and delivery facilities, including number of messengers or agents, and description of any arrangements for transferring messages to other carriers for local delivery or transmission to distant points;

(2) Date on which applicant desires to make discontinuance, reduction, or impairment effective; if for a temporary period only, indicate the approximate period for which authorization is desired;

(3) Identification of community or part of a community service by the public coast station involved, including population and general character of marine interests served;

(4) Description of the marine area served, and approximate range of operations with marine mobile stations;

(5) Proposed new tariff listing, if any, and differences, if any, between present charges to the public and charges for the service to be substituted by applicant, or available through the facilities of other carriers;

(d) Statement of the reasons for the proposed discontinuance, reduction, or impairment of service;

(e) Description of any previous discontinuance, reduction, or impairment of service to the community in which station involved is located, or in the marine area served by that station, which has been made by applicant during the 12 months preceding filing of the application, and statement of any present plans for future discontinuance, reduction, or impairment of such service;

(f) Statement of the factors showing that neither the present nor future public convenience and necessity would be adversely affected by the granting of the application;

(g) If closure is proposed:

(1) Number of messages sent and number received, revenues received from handling such messages, and direct operating expenses for each of the past 3 months, and an estimate of what difference, if any, in the amount of such traffic, revenues, and expenses would be expected for the ensuing year if present service were continued, and the basis for such estimate.

(2) For the most recent typical month for which statistics are available, the distribution of inbound and outbound messages separately as between number handled over the counter, by messenger, agent, telephone, T. W. X., transferred to or from another coast station of applicant, transferred to or from another carrier, or other method;

(3) Full description of the service which will be available to the community affected as a substitute for the service to be discontinued, either through other public coast stations located in the same general vicinity or through the facilities of domestic telegraph and telephone carriers, including hours of service, location of public offices, and extent of pickup and delivery facilities;

(4) List of United States Coast Guard stations providing safety and distress coverage in the marine area served by the coast station involved;

(h) If reduction in hours is proposed:

(1) For the most recent month for which statistics are available, the distribution of inbound and outbound messages for each hour proposed to be deleted, including distribution of such messages as between number handled over the counter, by messenger, agent, telephone, T. W. X., transferred to or from another coast station operated by applicant, transferred to or from another carrier, or other method;

(2) For each hour proposed to be deleted, full description of substitute service available to the community affected, as outlined in paragraph (g)(3) of this section;

(3) List of United States Coast Guard stations providing safety and distress coverage in the marine area served by the coast station involved.

§ 63.70 Alternative procedure in certain specified cases where authority to reduce the hours of service at a public coast station is desired.

(a) In lieu of filing a formal application, the carrier may file in quintuplicate an informal request for authority to reduce the hours of service of a public coast station under the following specified standards and conditions:

(1) The average hourly number of messages handled during each hour to be deleted, as reflected by traffic statistics for the latest month for which such statistics are available, if a normal month with respect to conditions generally affecting traffic volume, is not more than 2 messages per hour, and the maximum number of messages handled in any hour to be deleted, as reflected by the above-mentioned statistics, is not more than 4 messages per hour;

(2) Applicant will file with the Federal Communications Commission a form in quintuplicate for the public coast station at which reduction in hours is proposed, giving the information called for on the sample form appearing in § 63.601. Applicant will not effect such reduction in hours of operation until 15 days after such form is filed with the Federal Communications Commission, and will not reduce hours in any case, if advised by the Commission, within such 15-day period, not to effect such reduction.

(3) Upon written request from the Commission at any time within 6 months from the effective date of a reduction in the hours of service at any public coast station as authorized under this section, applicant will forthwith reestablish the former hours and will retain such hours unless and until authorized to reduce them upon individual and specific application to the Commission.

(4) Applicant will post a public notice at least 20 inches by 24 inches, with letters of commensurate size, in a conspicuous place in the public coast station involved for a period of 14 consecutive days, 7 days of which shall be prior to the effective date of such reduction in hours of service, and 7 days of which shall follow such effective date. If the public coast station is not ordinarily accessible to the general public for the purpose of filing or accepting delivery of messages, but an associated public office is provided by the applicant for that purpose, the public notice herein referred to shall be posted in the public office. Such notice shall be in the following form:

Notice is hereby given that (nam
plicant) proposes to reduce the h
service at public coast station (call a
tion) from the present hours of —
——m. to the hours of ——m. to -
effective ——. Persons desiring to f
sages for transmission to marine mo
tions during the closed hours of this
may file such messages (give appropr
scription of substitute service). Any
of the public objecting to the above
in service may communicate with the
al Communications Commission, W
ton, D.C. 20554.

(b) Authority for the reduct
hours of service proposed unde
section shall be deemed to hav
granted by the Commission ef
as of the 15th day following th
of filing of such request with the
mission unless, on or before th
day, the Commission shall noti
applicant to the contrary.

§ 63.71 Special procedures for disc
ance, reduction or impairment o
ice by non-dominant carrier.

Any non-dominant carrier a
term is defined in § 61.15(a) o
chapter and who seeks to discon
reduce or impair service shall b
ject to the following procedures
of those specified in §§ 63.61 th
63.62 and 63.64 through 63.601:

(a) The carrier shall notify
fected customers of the planne
continuance, reduction or impai
Notice shall be in writing to ea
fected customer unless the Co
sion authorizes in advance, for
cause shown, another form of n
Notice shall include the following

(1) Name and address of carrier

(2) Date of planned service d
tinuance, reduction or impairmen

(3) Points or geographic are
service affected;

(4) Brief description of type of
ice affected; and

(5) The following statement:

The FCC will normally authorize th
posed discontinuance of service (or
tion or impairment) unless it is show
customers would be unable to receive
or a reasonable substitute from anothe
rier. If you wish to object, you shoul
your comments within 15 days after r
of this notification. Address them t
Federal Communications Commi
Washington, D.C. 20554, referencing

§ 63.71 Application of (carrier's name). Comments should include specific information about the impact of this proposed discontinuance (or reduction or impairment) upon you or your company, including any inability to acquire reasonable sustitute service.

(b) The carrier shall file with this Commission, on or after the date on which notice has been given to all affected customers an application which shall contain the following:

(1) Caption—"Section 63.71 Application";

(2) Information listed in § 63.71(a)(1) through (4) above;

(3) Brief description of the dates and methods of notice to all affected customers; and

(4) Any other information the Commission may require.

(c) The application to discontinue, reduce or impair service shall be automatically granted on the 31st day after its filing with the Commission without any Commission notification to the applicant unless the Commission has notified the applicant that the grant will not be automatically effective.

[45 FR 76169, Nov. 18, 1980]

§ 63.90 Publication and posting of notices.

(a) Immediately upon the filing of an application or informal request (except a request under § 63.70 or § 63.71) for authority to close or otherwise discontinue the operation, or reduce the hours of service at a telephone exchange (except an exchange located at a military establishment), or a public coast station, the applicant shall post a public notice at least 20 inches by 24 inches, with letters of commensurate size, in a conspicuous place in the exchange or public coast station affected, and also in the window of any such exchange or station having window space fronting on a public street at street level. If a public coast station is not ordinarily accessible to the general public for the purpose of filing or accepting delivery of messages, but an associated public office is provided by the applicant for that purpose, the public notice herein referred to shall be posted in the public office. Such notice shall be posted for at least 14 days and shall contain the following information, as may be applicable:

(1) Date of first posting of notice;

(2) Name of applicant;

(3) A statement that application has been made to the Federal Communications Commission;

(4) Date when application was filed in the Commission;

(5) A description of the discontinuance, reduction, or impairment of [illegible]ice for which authority is sought including the address or other appropriate identification of the exchange or station involved;

(6) If applicant proposes to reduce hours of service, a description of present and proposed hours of service;

(7) A complete description of the substitute service, if any, to be provided if the application is granted.

(8) A statement that any member of the public desiring to protest or support the application may communicate in writing with the Federal Communications Commission, Washington, D.C. 20554, on or before a specified date which shall be 20 days from the date of first posting of the notice.

(b) Immediately upon the filing of an application or informal request of the nature described in paragraph (a) of this section, the applicant shall also cause to be published a notice of not less than 4 column inches in size containing information similar to that specified in paragraph (a), at least once during each of 2 consecutive weeks, in some newspaper of general circulation in the community or part of the community affected.

(c) Immediately upon the filing of an application or informal request or upon the filing of a formal application to close a public toll station (except a toll station located at a military establishment), applicant shall post a public notice at least 11 inches by 17 inches as provided in paragraph (a) of this section or, in lieu thereof, applicant shall cause to be published a newspaper notice as provided in paragraph (b) of this section.

(d) Immediately upon the filing of any application or informal request for authority to discontinue, reduce, or impair service, or any notice of resumption of service under § 63.63(b), the applicant shall give written notice of the filing together with a copy of such application to the State Commission (as defined in section 3(t) of the Communications Act of 1934, as amended) of each State in which any discontinuance, reduction or impairment is proposed.

(e) When the posting, publication, and notification as required in paragraphs (a), (b), (c) and (d) of this section have been completed, applicant shall report such fact to the Commission, stating the name of the newspaper in which publication was made, the name of the Commissions notified, and the dates of posting, publication, and notification.

[45 FR 6585, Jan. 29, 1980, as amended at 45 FR 76169, Nov. 18, 1980]

CONTENTS OF APPLICATIONS; EXAMPLES

§ 63.500 Contents of applications to dismantle or remove a trunk line.

The application shall contain:

(a) The name and address of each applicant;

(b) The name, title, and post office address of the officer to whom correspondence concerning the application is to be addressed;

(c) Nature of proposed discontinuance, reduction, or impairment;

(d) Identification of community or part of community involved and date on which applicant desires to make proposed discontinuance, reduction, or impairment effective; if for a temporary period only, indicate the approximate period for which authorization is desired;

(e) Proposed new tariff listing, if any, and difference, if any, between present charges to the public and charges for the service to be substituted;

(f) Description of the service area affected including population and general character of business of the community;

(g) Name of any other carrier or carriers providing telegraph or telephone service to the community;

(h) Statement of the reasons for proposed discontinuance, reduction, or impairment;

(i) Statement of the factors showing that neither present nor future public convenience and necessity would be
adversely affected by the grantin
the application;

(j) Description of any previous
continuance, reduction, or impairm
of service to the community affe
by the application, which has b
made by the applicant during the
months preceding filing of applicat
and statement of any present plans
future discontinuance, reduction,
impairment of service to such com
nity;

(k) A map or sketch showing:

(1) Routes of line proposed to be
moved from service and of altern
lines, if any, to be retained;

(2) Type and ownership of structu
(open wire, aerial cable, undergrou
cable, carrier systems, etc.);

(3) Cities and towns along rou
with approximate population of ea
and route mileage between the prin
pal points;

(4) Location of important operat
centers and repeater or relay points

(5) State boundary lines throu
which the facilities extend;

(l) A wire chart showing, for b
the line proposed to be removed
the alternate lines to be retained,
regular and normal assignment
each wire, its method of operation,
number of channels and normal
signment of each;

(m) The number of wires or cables
be removed and the kind, size, a
length of each;

(n) A complete statement showi
how the traffic load on the line p
posed to be removed will be diverted
other lines and the adequacy of su
other lines to handle the increas
load.

§ 63.501 Contents of applications to se
physical connection or to terminate
suspend interchange of traffic with
other carrier.

The application shall contain:

(a) The name and address of ea
applicant;

(b) The name, title, and post offi
address of the officer to whom corr
spondence concerning the applicati
is to be addressed;

(c) Nature of the proposed change;

(d) Identification of community
part of community involved and da

on which applicant desires to make proposed discontinuance, reduction, or impairment effective; if for a temporary period only, indicate the approximate period for which authorization is desired;

(e) Proposed new tariff listing, if any, and differences, if any, between present charges to the public and charges for the service to be substituted;

(f) Description of the service area affected including population and general character of business of the community;

(g) Name of any other carrier or carriers providing telegraph or telephone service to the community;

(h) Statement of the reasons for proposed discontinuance, reduction, or impairment;

(i) Statement of the factors showing that neither present nor future public convenience and necessity would be adversely affected by the granting of the application;

(j) Description of any previous discontinuance, reduction, or impairment of service to the community affected by the application, which has been made by the applicant during the 12 months preceding filing of application, and statement of any present plans for future discontinuance, reduction, or impairment of service to such community;

(k) Name of other carrier;

(l) Points served through such physical connection or interchange;

(m) Description of the service involved;

(n) Statement as to how points served by means of such physical connection or interchange will be served thereafter;

(o) Amount of traffic interchanged for each month during preceding 6-month period;

(p) Statement as to whether severance of physical connection or termination or suspension of interchange of traffic is being made with consent of other carrier.

§ 63.504 Contents of applications to close a public toll station where no other such toll station of the applicant in the community will continue service and where telephone toll service is not otherwise available to the public through a telephone exchange connected with the toll lines of a carrier.

The application shall contain:

(a) The name and address of each applicant;

(b) The name, title, and post office address of the officer to whom correspondence concerning the application is to be addressed;

(c) Nature of proposed discontinuance, reduction, or impairment;

(d) Identification of community or part of community involved and date on which applicant desires to make proposed discontinuance, reduction, or impairment effective; if for a temporary period only, indicate the approximate period for which authorization is desired;

(e) Proposed new tariff listing, if any, and difference, if any, between present charges to the public and charges for the service to be substituted, if any;

(f) Description of the service area affected including population and general character of business of the community;

(g) Name of other carrier or carriers, if any, which will provide toll station service in the community;

(h) Statement of the reasons for proposed discontinuance, reduction, or impairment;

(i) Statement of the factors showing that neither present nor future public convenience and necessity would be adversely affected by the granting of the application;

(j) Description of any previous discontinuance, reduction, or impairment of service to the community affected by the application, which has been made by the applicant during the 12 months preceding filing of application, and statement of any present plans for future discontinuance, reduction, or impairment of service to such community;

(k) Description of the service involved, including a statement of the number of toll telephone messages or telegraph messages sent-paid and received-collect, and the revenues from such traffic, in connection with the service proposed to be discontinued for each of the past 6 months; and, if the volume of such traffic handled in the area has decreased during recent years, the reasons therefor.

§ 63.505 Contents of applications for any type of discontinuance, reduction, or impairment of telephone service not specifically provided for in this part.

The application shall contain:

(a) The name and address of each applicant;

(b) The name, title, and post office address of the officer to whom correspondence concerning the application is to be addressed;

(c) Nature of proposed discontinuance, reduction, or impairment;

(d) Identification of community or part of community involved and date on which applicant desires to make proposed discontinuance, reduction or impairment effective, if for a temporary period only, indicate the approximate period for which authorization is desired;

(e) Proposed new tariff listing, if any, and difference, if any, between present charges to the public and charges for the service to be substituted;

(f) Description of the service area affected including population and general character of business of the community;

(g) Name of any other carrier or carriers providing telephone service to the community;

(h) Statement of the reasons for proposed discontinuance, reduction, or impairment;

(i) Statement of the factors showing that neither present nor future public convenience and necessity would be adversely affected by the granting of the application;

(j) Description of any previous discontinuance, reduction, or impairment of service to the community affected by the application, which has been made by the applicant during the 12 months preceding filing of application, and statement of any present plans for future discontinuance, reduction, or impairment of service to such community;

(k) Description of the service involved, including:

(1) Existing telephone service by the applicant available to the community or part thereof involved;

(2) Telephone service (available from applicant or others) which would remain in the community or part thereof involved in the event the application is granted;

(l) A statement of the number of toll messages sent-paid and received-collect and the revenues from such traffic in connection with the service proposed to be discontinued, reduced, or impaired for each of the past 6 months; and, if the volume of such traffic handled in the area has decreased during recent years, the reasons therefor.

[45 FR 6586, Jan. 29, 1980]

§ 63.601 Contents of applications for authority to reduce the hours of service of public coast stations under the conditions specified in § 63.70.

F.C.C. File No. T-D——

Month ——— Year ———

———————————————

(Name of applicant)

———————————————

(Address of applicant)

In the matter of Proposed Reduction in Hours of Service of a Public Coast Station Pursuant to § 63.70 of the Commission's rules.

Data regarding public coast station ———

———————————————

(Call and address)

Present hours:
  Monday through Friday ———
  Saturday ———
  Sunday ———
Proposed hours:
  Monday through Friday ———
  Saturday ———
  Sunday ———
Proposed effective time and date of change

———————————————

Average number of messages handled for month of ————, 19—

———————————————

during total hours to be deleted ———

during maximum hour to be deleted ——

Data regarding substitute service to be provided by other public coast stations available and capable of providing service to the community affected, or in the marine area served by the public coast station involved:

Station call and location	Operated by	Hours of service		
		Monday thru Friday	Saturday	Sunday

REQUEST FOR DESIGNATION AS A RECOGNIZED PRIVATE OPERATING AGENCY

§ 63.701 Contents of application.

Except as otherwise provided in this part, any party requesting designation as a recognized private operating agency within the meaning of the International Telecommunication Convention shall request such designation by filing an original and two copies of an application stating the nature of the services to be provided and a statement in the applicant's own words but which makes clear that the applicant is aware that it is obligated under Article 44 of the Convention to obey the mandatory provisions thereof, and all regulations promulgated thereunder, and a pledge that it will engage in no conduct or operations which otherwise obey the Convention and regulations in all respects. The applicant should also include a statement that it is aware that failure to comply will result in an order from the Federal Communications Commission to cease and desist from future violations of an ITU regulation and may result in revocation of its recognized private operating agency status by the United States Department of State. Such statement must include the following information where applicable:

(a) The name and address of each applicant;

(b) The Government, State, or Territory under the laws of which each corporate applicant is organized;

(c) The name, title and post office address of the officer of a corporate applicant, or representative of a non-corporate applicant, to whom correspondence concerning the application is to be addressed;

(d) A statement of the ownership of a non-corporate applicant, or the ownership of the stock of a corporate applicant, including an indication whether the applicant or its stock is owned directly or indirectly by an alien;

(e) A copy of each corporate applicant's articant's articles of incorporation (or its equivalent) and of its corporate bylaws;

(f) A statement whether the applicant is a carrier subject to section 214 of the Communications Act, an operator of broadcast or other radio facilities, licensed under Title III of the Act, capable of causing harmful interference with the radio transmissions of other countries, or a non-carrier provider of services classed as "enhanced" under § 64.702(a);

(g) A statement that the services for which designated as a recognized private operating agency is sought will be extended to a point outside the United States or are capable of causing harmful interference of other radio transmission and a statement of the nature of the services to be provided;

(h) A statement setting forth the points between which the services are to be provided; and

(i) A statement as to whether covered services are provided by facilities owned by the applicant, by facilities leased from another entity, or other arrangement and a description of the arrangement.

[51 FR 18448, May 20, 1986]

§ 63.702 Form.

Application under § 63.701 shall be submitted in the form specified in § 63.53 for applications under section 214 of the Communications Act.

[51 FR 18448, May 20, 1986]

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

Subpart A—Traffic Damage Claims

Sec.
64.1 Traffic damage claims.

Subpart B—Restrictions on Indecent Telephone Message Services

64.201 Restrictions on indecent telephone message services.

Subpart C—Furnishing of Facilities to Foreign Governments for International Communications

64.301 Furnishing of facilities to foreign governments for international communications.

Subpart D—Procedures for Handling Priority Services in Emergencies

64.401 Policies and procedures for provisioning and restoring certain telecommunications services in emergencies.

Subpart E—Use of Recording Devices by Telephone Companies

64.501 Recording of telephone conversations with telephone companies.

Subpart F—Furnishing of Customer-Premises Equipment and Related Services Needed by Persons With Impaired Hearing, Speech, Vision or Mobility

64.601 Specialized customer-premises equipment.
64.602 Provision of hearing aid-compatible telephones by exchange carriers.
64.603 Notification that carrier seeks to terminate operator or directory assistance for TDD users.
64.604 Enforcement.

Subpart G—Furnishing of Enhanced Services and Customer-Premises Equipment by Communications Common Carriers

64.702 Furnishing of enhanced services and customer-premises equipment.

Subpart H—Extension of Unsecured Credit for Interstate and Foreign Communications Services to Candidates for Federal Office

64.801 Purpose.
64.802 Applicability.
64.803 Definitions.

Sec.
64.804 Rules governing the extension of unsecured credit to candidates or persons on behalf of such candidates for Federal office for interstate and foreign common carrier communication services.

Subpart I—Allocation of Costs

64.901 Allocation of costs.
64.902 Transactions with affiliates.

APPENDIX A TO PART 64—TELECOMMUNICATIONS SERVICE PRIORITY (TSP) SYSTEM FOR NATIONAL SECURITY EMERGENCY PREPAREDNESS (NSEP)

AUTHORITY: Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154, unless otherwise noted. Interpret or apply secs. 201, 218, 48 Stat. 1070, as amended, 1077; 47 U.S.C. 201, 218, unless otherwise noted.

Subpart A—Traffic Damage Claims

§ 64.1 Traffic damage claims.

(a) Each carrier engaged in furnishing radio-telegraph, wire-telegraph, or ocean-cable service shall maintain separate files for each damage claim of a traffic nature filed with the carrier, showing the name, address, and nature of business of the claimant, the basis for the claim, disposition made, and all correspondence, reports, and records pertaining thereto. Such files shall be preserved in accordance with existing rules of the Commission (Part 42 of this chapter) and at points (one or more) to be specifically designated by each carrier.

(b) The aforementioned carriers shall make no payment as a result of any traffic damage claim if the amount of the payment would be in excess of the total amount collected by the carrier on the message or messages from which the claim arose unless such claim be presented to the carrier in writing signed by the claimant and setting forth the reason for the claim.

[28 FR 13239, Dec. 5, 1963]

Subpart B—Restrictions on Indecent Telephone Message Services

§ 64.201 Restrictions on indecent telephone message services.

(a) It is a defense to prosecution for the provision of indecent communications under section 223(b)(2) of the Communications Act of 1934, as amended (the Act), 47 U.S.C. 223(b)(2), that the defendant has taken the action set forth in paragraph (a)(1) of this section and, in addition, has complied with the following: Taken one of the actions set forth in paragraphs (a)(2), (3), or (4) of this section to restrict access to prohibited communications to persons eighteen years of age or older, and has additionally complied with paragraph (a)(5) of this section, where applicable:

(1) Has notified the common carrier identified in section 223(c)(1) of the Act, in writing, that he or she is providing the kind of service described in section 223(b)(2) of the Act.

(2) Requires payment by credit card before transmission of the message; or

(3) Requires an authorized access or identification code before transmission of the message, and where the defendant has:

(i) Issued the code by mailing it to the applicant after reasonably ascertaining through receipt of a written application that the applicant is not under eighteen years of age; and

(ii) Established a procedure to cancel immediately the code of any person upon written, telephonic or other notice to the defendant's business office that such code has been lost, stolen, or used by a person or persons under the age of eighteen, or that such code is no longer desired; or

(4) Scrambles the message using any technique that renders the audio unintelligible and incomprehensible to the calling party unless that party uses a descrambler; and,

(5) Where the defendant is a message sponsor subscriber to mass announcement services tariffed at this Commission and such defendant prior to the transmission of the message has requested in writing to the carrier providing the public announcement service that calls to this message service be subject to billing notification as an adult telephone message service.

(b) A common carrier within the District of Columbia or within any State, or in interstate or foreign commerce, shall not, to the extent technically feasible, provide access to a communication described in section 223(b) of the Act from the telephone of any subscriber who has not previously requested in writing the carrier to provide access to such communication if the carrier collects from subscribers an identifiable charge for such communication that the carrier remits, in whole or in part, to the provider of such communication.

[52 FR 17761, May 12, 1987, as amended at 55 FR 28916, July 16, 1990]

Subpart C—Furnishing of Facilities to Foreign Governments for International Communications

§ 64.301 Furnishing of facilities to foreign governments for international communications.

Common carriers by wire and radio shall, in accordance with section 201 of the Communications Act, furnish services and facilities for communications to any foreign government upon reasonable demand therefor: *Provided, however,* That, if a foreign government fails or refuses, upon reasonable demand, to furnish particular services and facilities to the United States Government for communications between the territory of that government and the United States or any other point, such carriers shall, to the extent specifically ordered by the Commission, deny equivalent services or facilities in the United States to such foreign government for communications between the United States and the territory of that foreign government or any other point.

(Secs. 201, 214, 303, 308, 48 Stat. 1075, 1082, 1085; 47 U.S.C. 201, 214, 303, 308)

[28 FR 13242, Dec. 5, 1963]

Subpart D—Procedures for Handling Priority Services in Emergencies

§ 64.401 Policies and procedures for provisioning and restoring certain telecommunications services in emergencies.

The communications common carrier shall maintain and provision and, if disrupted, restore facilities and services in accordance with policies and procedures set forth in the Appendix to this part.

[53 FR 47536, Nov. 23, 1988]

Subpart E—Use of Recording Devices by Telephone Companies

§ 64.501 Recording of telephone conversations with telephone companies.

No telephone common carrier, subject in whole or in part to the Communications Act of 1934, as amended, may use any recording device in connection with any interstate or foreign telephone conversation between any member of the public, on the one hand, and any officer, agent or other person acting for or employed by any such telephone common carrier, on the other hand, except under the following conditions:

(a) Where such use shall be preceded by verbal or written consent of all parties to the telephone conversation, or

(b) Where such use shall be preceded by verbal notification which is recorded at the beginning, and as part of the call, by the recording party, or

(c) Where such use shall be accompanied by an automatic tone warning device, which will automatically produce a distinct signal that is repeated at regular intervals during the course of the telephone conversation when the recording device is in use. *Provided That:*

(1) The characteristics of the warning tone shall be the same as those specified in the Orders of this Commission adopted by it in "Use of Recording Devices in Connection With Telephone Service," Docket 6787, 11 FCC 1033 (1947); 12 FCC 1005 (November 26, 1947); 12 FCC 1008 (May 20, 1948).

(d) That the characteristics of the warning tone shall be the same as those specified in the Orders of this Commission adopted by it in "Use of Recording Devices in Connection With Telephone Service," Docket 6787; 11 F.C.C. 1033 (1947); 12 F.C.C. 1005 (November 26, 1947); 12 F.C.C. 1008 (May 20, 1948);

(e) That no recording device shall be used unless it can be physically connected to and disconnected from the telephone line or switched on and off.

(Secs. 2, 3, 4, 5, 301, 303, 307, 308, 309, 315, 317; 48 Stat., as amended, 1064, 1065, 1066, 1068, 1081, 1082, 1083, 1084, 1085, 1089; 47 U.S.C. 152, 153, 154, 155, 301, 303, 307, 308, 309, 315, 317)

[32 FR 11275, Aug. 3, 1967, as amended at 46 FR 29480, June 2, 1981; 52 FR 3654, Feb. 5, 1987]

Subpart F—Furnishing of Customer-Premises Equipment and Related Services Needed by Persons With Impaired Hearing, Speech, Vision or Mobility

§ 64.601 Specialized customer-premises equipment.

(a) Any communications common carrier may provide, under tariff, customer-premises equipment other than a hearing aid-compatible telephone (as defined in § 68.316) which is actually needed by persons whose hearing, speech, vision or mobility is impaired. Such equipment may be provided to persons with those disabilities or to associates or institutions who require such equipment regularly to communicate with them. Examples of such equipment include, but are not limited to, artificial larynxes, bone conductor receivers, and telecommunications devices for the deaf (TDDs).

(b) Any carrier who provides telecommunications devices for the deaf, whether or not pursuant to tariff, shall respond to any inquiry concerning (1) the availability (including general price levels) of TDDs using ASCII, Baudot, or both formats; (2) the compatibility of any TDD with other TDDs and computers.

[49 FR 1368, Jan. 11, 1984]

§ 64.602 Provision of hearing aid-compatible telephones by exchange carriers.

In the absence of alternative suppliers in an exchange area, an exchange carrier must provide a hearing aid-compatible telephone, as defined in § 68.200(i), and provide related installation and maintenance services, in connection with such telephones, on a detariffed basis, to any hearing impaired customer who requests such equipment or services.

[49 FR 1368, Jan. 11, 1984]

§ 64.603 Notification that carrier seeks to terminate operator or directory assistance for TDD users.

Any telephone exchange carrier providing operator and directory assistance services to users of telecommunications devices for the deaf, which seeks to terminate existing services, shall no less than six months prior to a proposed termination date notify the Commission and state public utility commission of its intent to terminate.

[49 FR 1368, Jan. 11, 1984; 49 FR 24733, June 15, 1984]

§ 64.604 Enforcement.

Enforcement of §§ 64.602 and 64.603 is hereby delegated to those state public utility commissions which adopt those sections and provide for their enforcement. The procedures followed by a state to enforce those sections shall provide a 30-day period after a complaint is filed, during which time state personnel shall attempt to resolve a dispute on an informal basis. If a state has not adopted §§ 64.602 and 64.603, or has failed to act within six months from the filing of a complaint with the state public utility commission, the Commission will accept such complaints. A written notification to the complainant that the state believes action is unwarranted is not a failure to act.

[49 FR 1368, Jan. 11, 1984; 49 FR 24733, June 15, 1984]

Subpart G—Furnishing of Enhanced Services and Customer-Premises Equipment by Communications Common Carriers

§ 64.702 Furnishing of enhanced services and customer-premises equipment.

(a) For the purpose of this subpart, the term "enhanced service" shall refer to services, offered over common carrier transmission facilities used in interstate communications, which employ computer processing applications that act on the format, content, code, protocol or similar aspects of the subscriber's transmitted information; provide the subscriber additional, different, or restructured information; or involve subscriber interaction with stored information. Enhanced services are not regulated under Title II of the Act.

(b) Communications common carriers subject, in whole or in part, to the Communications Act may directly provide enhanced services and customer-premises equipment; provided, however, that the Commission may prohibit any such common carrier from engaging directly or indirectly in furnishing enhanced services or customer-premises equipment to others except as provided for in paragraph (c) of this section, or as otherwise authorized by the Commission.

(c) A communications common carrier prohibited by the Commission pursuant to paragraph (b) of this section from engaging in the furnishing of enhanced services or customer-premises equipment may, subject to other provisions of law, have a controlling or lesser interest in, or be under common control with, a separate corporate entity that furnishes enhanced services or customer-premises equipment to others provided the following conditions are met:

(1) Each such separate corporation shall obtain all transmission facilities necessary for the provision of enhanced services pursuant to tariff, and may not own any network or local distribution transmission facilities or equipment.

(2) Each such separate corporation shall operate independently in the furnishing of enhanced services and customer-premises equipment. It shall maintain its own books of account, have separate officers, utilize separate operating, marketing, installation, and maintenance personnel, and utilize separate computer facilities in the provision of enhanced services.

(3) Each such separate corporation which provides customer-premises equipment or enhanced services shall deal with any affiliated manufacturing entity only on an arm's length basis.

(4) Any research or development performed on a joint or separate basis for the subsidiary must be done on a compensatory basis. Except for generic software within equipment, manufactured by an affiliate, that is sold "off the shelf" to any interested purchaser, the separate corporation must

develop its own software, or contract with non-affiliated vendors.

(5) All transactions between the separate corporation and the carrier or its affiliates which involve the transfer, either direct or by accounting or other record entries, of money, personnel, resources, other assets or anything of value, shall be reduced to writing. A copy of any contract, agreement, or other arrangement entered into between such entities shall be filed with the Commission within 30 days after the contract, agreement, or other arrangement is made. This provision shall not apply to any transaction governed by the provision of an effective state or federal tariff.

(d) A carrier subject to the proscription set forth in paragraph (c) of this section:

(1) Shall not engage in the sale or promotion of enhanced services or customer-premises equipment, on behalf of the separate corporation, or sell, lease or otherwise make available to the separate corporation any capacity or computer system component on its computer system or systems which are used in any way for the provision of its common carrier communications services. (This does not apply to communications services offered the separate subsidiary pursuant to tariff);

(2) Shall disclose to the public all information relating to network design and technical standards and information affecting changes to the telecommunications network which would affect either intercarrier interconnection or the manner in which customer-premises equipment is attached to the interstate network prior to implementation and with reasonable advance notification. When such information is disclosed to the separate corporation it shall be disclosed and be available to any member of the public on the same terms and conditions;

(3) May not provide to any such separate corporation any customer proprietary information unless such information is available to any member of the public on the same terms and conditions; and

(4) Must obtain Commission approval as to the manner in which the separate corporation is to be capitalized, prior to obtaining any interest in the separate corporation or transferring any assets, and must obtain Commission approval of any modification to a Commission approved capitalization plan.

(e) Except as otherwise ordered by the Commission, after March 1, 1982, the carrier provision of customer-premises equipment used in conjunction with the interstate telecommunications network shall be separate and distinct from provision of common carrier communications services and not offered on a tariffed basis.

(Secs. 4, 201-205, 403, 404, 410; 48 Stat., as amended, 1066, 1070-1072, 1094, 1098; (47 U.S.C. 154, 201-205, 403, 404, 410))

[45 FR 31364, May 13, 1980, as amended at 46 FR 6008, Jan. 21, 1981]

Subpart H—Extension of Unsecured Credit for Interstate and Foreign Communications Services to Candidates for Federal Office

Authority: Secs. 4, 201, 202, 203, 218, 219, 48 Stat. 1066, 1070, 1077; 47 U.S.C. 154, 201, 202, 203, 218, 219; sec. 401, 86 Stat. 19; 2 U.S.C. 451.

Source: 37 FR 9393, May 10, 1972, unless otherwise noted.

§ 64.801 Purpose.

Pursuant to section 401 of the Federal Election Campaign Act of 1971, Pub. L. 92-225, these rules prescribe the general terms and conditions for the extension of unsecured credit by a communication common carrier to a candidate or person on behalf of such candidate for Federal office.

§ 64.802 Applicability.

These rules shall apply to each communication common carrier subject to the whole or part of the Communications Act of 1934, as amended.

§ 64.803 Definitions.

For the purposes of this subpart:

(a) "Candidate" means an individual who seeks nomination for election, or election, to Federal office, whether or not such individual is elected, and an individual shall be deemed to seek nomination for election, or election, if he has (1) taken the action necessary under the law of a State to qualify himself for nomination for election, or election, to Federal office, or (2) received contributions or made expenditures, or has given his consent for any other person to receive contributions or make expenditures, with a view to bringing about his nomination for election, or election, to such office.

(b) "Election" means (1) a general, special, primary, or runoff election, (2) a convention or caucus of a political party held to nominate a candidate, (3) a primary election held for the selection of delegates to a national nominating convention of a political party, and (4) a primary election held for the expression of a preference for the nomination of persons for election to the office of President.

(c) "Federal office" means the office of President or Vice President of the United States: or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States.

(d) "Person" means an individual, partnership, committee, association, corporation, labor organization, and any other organization or group of persons.

(e) "Unsecured credit" means the furnishing of service without maintaining on a continuing basis advance payment, deposit, or other security, that is designed to assure payment of the estimated amount of service for each future 2 months period, with revised estimates to be made on at least a monthly basis.

§ 64.804 Rules governing the extension of unsecured credit to candidates or persons on behalf of such candidates for Federal office for interstate and foreign common carrier communication services.

(a) There is no obligation upon a carrier to extend unsecured credit for interstate and foreign communication services to a candidate or person on behalf of such candidate for Federal office. However, if the carrier chooses to extend such unsecured credit, it shall comply with the requirements set forth in paragraphs (b) through (g) of this section.

(b) If a carrier decides to extend unsecured credit to any candidate for Federal office or any person on behalf of such candidate, then unsecured credit shall be extended on substantially equal terms and conditions to all candidates and all persons on behalf of all candidates for the same office, with due regard for differences in the estimated quantity of service to be furnished each such candidate or person.

(c) Before extending unsecured credit, a carrier shall obtain a signed written application for service which shall identify the applicant and the candidate and state whether or not the candidate assumes responsibility for the charges, and which shall also expressly state as follows:

(1) That service is being requested by the applicant or applicants and that the person or persons making the application will be individually, jointly and severally liable for the payment of all charges; and

(2) That the applicant(s) understands that the carrier will (under the provisions of paragraph (d) of this section) discontinue service upon written notice if any amount due is not paid upon demand.

(d) If charges for services rendered are not paid to the carrier within 15 days from rendition of a bill therefor, the carrier shall forthwith at the end of the 15-day period serve written notice on the applicant of intent to discontinue service within 7 days of date of such notice for nonpayment and shall discontinue service at the end of the 7-day period unless all such sums due are paid in full within such 7-day period.

(e) Each carrier shall take appropriate action at law to collect any unpaid balance on an account for interstate and foreign communication services rendered to a candidate or person on behalf of such candidate prior to the expiration of the statute of limitations under section 415(a) of the Communications Act of 1934, as amended.

(f) The records of each account, involving the extension by a carrier of unsecured credit to a candidate or person on behalf of such candidate for common carrier communications services shall be maintained by the carrier so as to show separately, for interstate and foreign communication services all charges, credits, adjustments, and security, if any, and balance receivable.

(g) On or before January 31 and July 31, 1973, and corresponding dates of each year thereafter, each carrier which had operating revenues in the preceding year in excess of $1 million shall file with the Commission a report by account of any amount due and unpaid, as of the end of the month prior to the reporting date, for interstate and foreign communication services rendered to a candidate or person on behalf of such candidate when such amount results from the extension of unsecured credit. Each report shall include the following information:

(1) Name of candidate.

(2) Name and address of person or persons applying for service.

(3) Balance due carrier.

(4) Reason for nonpayment.

(5) Payment arrangements, if any.

(6) Date service discontinued.

(7) Date, nature and status of any action taken at law in compliance with paragraph (e) of this section.

Subpart I—Allocation of Costs

§ 64.901 Allocation of costs.

(a) Carriers required to separate their regulated costs from nonregulated costs shall use the attributable cost method of cost allocation for such purpose.

(b) In assigning or allocating costs to regulated and nonregulated activities, carriers shall follow the principles described herein.

(1) Tariffed services provided to a nonregulated activity will be charged to the nonregulated activity at the tariffed rates and credited to the regulated revenue account for that service.

(2) Costs shall be directly assigned to either regulated or nonregulated activities whenever possible.

(3) Costs which cannot be directly assigned to either regulated or nonregulated activities will be described as common costs. Common costs shall be grouped into homogeneous cost categories designed to facilitate the proper allocation of costs between a carrier's regulated and nonregulated activities. Each cost category shall be allocated between regulated and nonregulated activities in accordance with the following hierarchy:

(i) Whenever possible, common cost categories are to be allocated based upon direct analysis of the origin of the cost themselves.

(ii) When direct analysis is not possible, common cost categories shall be allocated based upon an indirect, cost-causative linkage to another cost category (or group of cost categories) for which a direct assignment or allocation is available.

(iii) When neither direct nor indirect measures of cost allocation can be found, the cost category shall be allocated based upon a general allocator computed by using the ratio of all expenses directly assigned or attributed to regulated and nonregulated activities.

(4) The allocation of central office equipment and outside plant investment costs between regulated and nonregulated activities shall be based upon the relative regulated and nonregulated usage of the investment during the calendar year when nonregulated usage is greatest in comparison to regulated usage during the three calendar years beginning with the calendar year during which the investment usage forecast is filed.

[52 FR 6560, Mar. 4, 1987, as amended at 52 FR 39534, Oct. 22, 1987; 54 FR 49762, Dec. 1, 1989]

§ 64.902 Transactions with affiliates.

Except for carriers which employ average schedules in lieu of determining their costs, all carriers subject to § 64.901 are also subject to the provisions of § 32.27 of this chapter concerning transactions with affiliates.

[55 FR 30461, July 26, 1990]

APPENDIX A TO PART 64—TELECOMMUNICATIONS SERVICE PRIORITY (TSP) SYSTEM FOR NATIONAL SECURITY EMERGENCY PREPAREDNESS (NSEP)

1. Purpose and Authority

a. This appendix establishes policies and procedures and assigns responsibilities for the National Security Emergency Preparedness (NSEP) Telecommunications Service Priority (TSP) System. The NSEP TSP System authorizes priority treatment to certain domestic telecommunications services (including portions of U.S. international telecommunication services provided by U.S. service vendors) for which provisioning or restoration priority (RP) levels are requested, assigned, and approved in accordance with this appendix.

b. This appendix is issued pursuant to sections 1, 4(i), 201 through 205 and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 201 through 205 and 303(r). These sections grant to the Federal Communications Commission (FCC) the authority over the assignment and approval of priorities for provisioning and restoration of common carrier-provided telecommunications services. Under section 706 of the Communications Act, this authority may be superseded, and expanded to include non-common carrier telecommunication services, by the war emergency powers of the President of the United States. This appendix provides the Commission's Order to telecommunication service vendors and users to comply with policies and procedures establishing the NSEP TSP System, until such policies and procedures are superseded by the President's war emergency powers. This appendix is intended to be read in conjunction with regulations and procedures that the Executive Office of the President issues (1) to implement responsibilities assigned in section 6(b) of this appendix, or (2) for use in the event this appendix is superseded by the President's war emergency powers.

c. Together, this appendix and the regulations and procedures issued by the Executive Office of the President establish one uniform system of priorities for provisioning and restoration of NSEP telecommunication services both before and after invocation of the President's war emergency powers. In order that government and industry resources may be used effectively under all conditions, a single set of rules, regulations, and procedures is necessary, and they must be applied on a day-to-day basis to all NSEP services so that the priorities they establish can be implemented at once when the need arises.

[1] In sections 2(a)(2) and 2(b)(2) of Executive Order No. 12472, "Assignment of National Security and Emergency Preparedness Telecommunications Functions" April 3, 1984 (49 FR 13471 (1984)), the President assigned to the Director, Office of Science and Technology Policy, certain NSEP telecommunication resource management responsibilities. The term "Executive Office of the President" as used in this appendix refers to the official or organization designated by the President to act on his behalf.

2. Applicability and Revocation

a. This appendix applies to NSEP telecommunications services:

(1) For which initial or revised priority level assignments are requested pursuant to section 8 of this appendix.

(2) Which were assigned restoration priorities under the provision of FCC Order 80-581; 81 FCC 2d 441 (1980); 47 CFR Part 64, Appendix A, "Priority System for the Restoration of Common Carrier Provided Intercity Private Line Services"; and are being resubmitted for priority level assignments pursuant to section 10 of this appendix. (Such services will retain assigned restoration priorities until a resubmission for a TSP assignment is completed or until the existing RP rules are terminated.)

b. FCC Order 80-581 will continue to apply to all other intercity, private line circuits assigned restoration priorities thereunder until the fully operating capability date of this appendix, 30 months after the initial operating capability date referred to in subsection d of this section.

c. In addition, FCC Order, "Precedence System for Public Correspondence Services Provided by the Communications Common Carriers" (34 FR 17292 (1969)); (47 CFR Part 64, Appendix B), is revoked as of the effective date of this appendix.

d. The initial operating capability (IOC) date for NSEP TSP will be nine months after release in the Federal Register of the FCC's order following review of procedures submitted by the Executive Office of the President. On this IOC date requests for priority assignments generally will be accepted only by the Executive Office of the President.

3. Definitions

As used in this part:

a. *Assignment* means the designation of priority level(s) for a defined NSEP telecommunications service for a specified time period.

b. *Audit* means a quality assurance review in response to identified problems.

c. *Government* refers to the Federal government or any foreign, state, county, municipal or other local government agency or organization. Specific qualifications will be supplied whenever reference to a particular level of government is intended (e.g., "Federal government", "state government"). "Foreign government" means any sovereign empire, kingdom, state, or independent political community, including foreign diplomatic and consular establishments and coalitions or associations of governments (e.g., North Atlantic Treaty Organization (NATO), Southeast Asian Treaty Organization (SEATO), Organization of American States (OAS), and government agencies or organization (e.g., Pan American Union, International Postal Union, and International Monetary Fund)).

d. *National Communications System (NCS)* refers to that organization established by the President in Executive Order No. 12472, "Assignment of National Security and Emergency Preparedness Telecommunications Functions," April 3, 1984, 49 FR 13471 (1984).

e. *National Coordinating Center (NCC)* refers to the joint telecommunications industry-Federal government operation established by the National Communications System to assist in the initiation, coordination, restoration, and reconstitution of NSEP telecommunication services or facilities.

f. *National Security Emergency Preparedness (NSEP)* telecommunications services, or "NSEP services," means telecommunication services which are used to maintain a state of readiness or to respond to and manage any event or crisis (local, national, or international), which causes or could cause injury or harm to the population, damage to or loss of property, or degrades or threatens the NSEP posture of the United States. These services fall into two specific categories, Emergency NSEP and Essential NSEP, and are assigned priority levels pursuant to section 9 of this appendix.

g. *NSEP treatment* refers to the provisioning of a telecommunication service before others based on the provisioning priority level assigned by the Executive Office of the President.

h. *Priority action* means assignment, revision, revocation, or revalidation by the Executive Office of the President of a priority level associated with an NSEP telecommunications service.

i. *Priority level* means the level that may be assigned to an NSEP telecommunications service specifying the order in which provisioning or restoration of the service is to occur relative to other NSEP and/or non-NSEP telecommunication services. Priority levels authorized by this appendix are designated (highest to lowest) "E," "1," "2," "3," "4," and "5," for provisioning and "1," "2," "3," "4," and "5," for restoration.

j. *Priority level assignment* means the priority level(s) designated for the provisioning and/or restoration of a particular NSEP telecommunications service under section 9 of this appendix.

k. *Private NSEP telecommunications services* include non-common carrier telecommunications services including private line, virtual private line, and private switched network services.

l. *Provisioning* means the act of supplying telecommunications service to a user, including all associated transmission, wiring and equipment. As used herein, "provisioning" and "initiation" are synonymous and include altering the state of an existing priority service or capability.

m. *Public switched NSEP telecommunications services* include those NSEP telecommunications services utilizing public switched networks. Such services may include both interexchange and intraexchange network facilities (e.g., switching systems, interoffice trunks and subscriber loops).

n. *Reconciliation* means the comparison of NSEP service information and the resolution of identified discrepancies.

o. *Restoration* means the repair or returning to service of one or more telecommunication services that have experienced a service outage or are unusable for any reason, including a damaged or impaired telecommunications facility. Such repair or returning to service may be done by patching, rerouting, substitution of component parts or pathways, and other means, as determined necessary by a service vendor.

p. *Revalidation* means the rejustification by a service user of a priority level assignment. This may result in extension by the Executive Office of the President of the expiration date associated with the priority level assignment.

q. *Revision* means the change of priority level assignment for an NSEP telecommunications service. This includes any extension of an existing priority level assignment to an expanded NSEP service.

r. *Revocation* means the elimination of a priority level assignment when it is no longer valid. All priority level assignments for an NSEP service are revoked upon service termination.

s. *Service identification* refers to the information uniquely identifying an NSEP telecommunications service to the service vendor and/or service user.

t. *Service user* refers to any individual or organization (including a service vendor) supported by a telecommunications service for which a priority level has been requested or assigned pursuant to section 8 or 9 of this appendix.

u. *Service vendor* refers to any person, association, partnership, corporation, organization, or other entity (including common carriers and government organizations) that offers to supply any telecommunications equipment, facilities, or services (including customer premises equipment and wiring) or combination thereof. The term includes resale carriers, prime contractors, subcontractors, and interconnecting carriers.

v. *Spare circuits or services* refers to those not being used or contracted for by any customer.

w. *Telecommunication services* means the transmission, emission, or reception of signals, signs, writing, images, sounds, or intelligence of any nature, by wire, cable, satellite, fiber optics, laser, radio, visual or other electronic, electric, electromagnetic, or acoustically coupled means, or any combination thereof. The term can include necessary telecommunication facilities.

x. *Telecommunications Service Priority (TSP) system user* refers to any individual, organization, or activity that interacts with the NSEP TSP System.

4. Scope

a. *Domestic NSEP services.* The NSEP TSP System and procedures established by this appendix authorize priority treatment to the following domestic telecommunication services (including portions of U.S. international telecommunication services provided by U.S. vendors) for which provisioning or restoration priority levels are requested, assigned, and approved in accordance with this appendix:

(1) Common carrier services which are:

(a) Interstate or foreign telecommunications services,

(b) Intrastate telecommunication services inseparable from interstate or foreign telecommunications services, and instrastate telecommunication services to which priority levels are assigned pursuant to section 9 of this appendix.

NOTE: Initially, the NSEP TSP System's applicability to public switched services is limited to (a) provisioning of such services (e.g., business, centrex, cellular, foreign exchange, Wide Area Telephone Service (WATS) and other services that the selected vendor is able to provision) and (b) restoration of services that the selected vendor is able to restore.

(2) Services which are provided by government and/or non-common carriers and are interconnected to common carrier services assigned a priority level pursuant to section 9 of this appendix.

b. *Control services and orderwires.* The NSEP TSP System and procedures established by this appendix are not applicable to authorize priority treatment to control services or orderwires owned by a service vendor and needed for provisioning, restoration, or maintenance of other services owned by that service vendor. Such control services and orderwires shall have priority provisioning and restoration over all other telecommunication services (including NSEP services) and shall be exempt from preemption. However, the NSEP TSP System and procedures established by this appendix are applicable to control services or orderwires leased by a service vendor.

c. *Other services.* The NSEP TSP System may apply, at the discretion of and upon special arrangements by the NSEP TSP System users involved, to authorize priority treatment to the following telecommunication services:

(1) Government or non-common carrier services which are not connected to common carrier provided services assigned a priority level pursuant to section 9 of this appendix.

(2) Portions of U.S. international services which are provided by foreign correspondents. (U.S. telecommunication service vendors are encouraged to ensure that relevant operating arrangements are consistent to the maximum extent practicable with the NSEP TSP System. If such arrangements do not exist, U.S. telecommunication service vendors should handle service provisioning and/or restoration in accordance with any system acceptable to their foreign correspondents which comes closest to meeting the procedures established in this appendix.)

5. Policy

The NSEP TSP System is the regulatory, administrative, and operational system authorizing and providing for priority treatment, *i.e.*, provisioning and restoration, of NSEP telecommunication services. As such, it establishes the framework for telecommunication service vendors to provision, restore, or otherwise act on a priority basis to ensure effective NSEP telecommunication services. The NSEP TSP System allows the assignment of priority levels to any NSEP service across three time periods, or stress conditions: Peacetime/Crisis/Mobilizations, Attack/War, and Post-Attack/Recovery. Although priority levels normally will be assigned by the Executive Office of the President and retained by service vendors only for the current time period, they may be preassigned for the other two time periods at the request of service users who are able to identify and justify in advance, their wartime or post-attack NSEP telecommunication requirements. Absent such preassigned priority levels for the Attack/War and Post-Attack/Recovery periods, priority level assignments for the Peacetime/Crisis/Mobilization period will remain in effect. At all times, priority level assignments will be subject to revision by the FCC or (on an interim basis) the Executive Office of the President, based upon changing NSEP needs. No other system of telecommunication service priorities which conflicts with the NSEP TSP System is authorized.

6. Responsibilities

a. The FCC will:

(1) Provide regulatory oversight of implementation of the NSEP TSP System.

(2) Enforce NSEP TSP System rules and regulations, which are contained in this appendix.

(3) Act as final authority for approval, revision, or disapproval of priority actions by the Executive Office of the President and adjudicate disputes regarding either priority actions or denials of requests for priority ac-

tions by the Executive Office of the President, until superseded by the President's war emergency powers under section 706 of the Communications Act.

(4) Function (on a discretionary basis) as a sponsoring Federal organization. (See section 6(c) below.)

b. The Executive Office of the President will:

(1) During exercise of the President's war emergency powers under section 706 of the Communications Act, act as the final approval authority for priority actions or denials of requests for priority actions, adjudicating any disputes.

(2) Until the exercise of the President's war emergency powers, administer the NSEP TSP System which includes:

(a) Receiving, processing, and evaluating requests for priority actions from service users, or sponsoring Federal government organizations on behalf of service users (e.g., Department of State or Defense on behalf of foreign governments, Federal Emergency Management Agency on behalf of state and local governments, and any Federal organization on behalf of private industry entities). Action on such requests will be completed within 30 days of receipt.

(b) Assigning, revising, revalidating, or revoking priority levels as necessary or upon request of service users concerned, and denying requests for priority actions as necessary, using the categories and criteria specified in section 12 of this appendix. Action on such requests will be completed within 30 days of receipt.

(c) Maintaining data on priority level assignments.

(d) Periodically forwarding to the FCC lists of priority actions by the Executive Office of the President for review and approval.

(e) Periodically initiating reconciliation.

(f) Testing and evaluating the NSEP TSP System for effectiveness.

(g) Conducting audits as necessary. Any Telecommunications Service Priority (TSP) System user may request the Executive Office of the President to conduct an audit.

(h) Issuing, subject to review by the FCC, regulations and procedures supplemental to and consistent with this appendix regarding operation and use of the NSEP TSP System.

(i) Serving as a centralized point-of-contact for collecting and disseminating to all interested parties (consistent with requirements for treatment of classified and proprietary material) information concerning use and abuse of the NSEP TSP System.

(j) Establishing and assisting a TSP System Oversight Committee to identify and review any problems developing in the system and recommend actions to correct them or prevent recurrence. In addition to representatives of the Executive Office of the President, representatives from private industry (including telecommunication service vendors), state and local governments, the FCC, and other organizations may be appointed to that Committee.

(k) Reporting at least quarterly to the FCC and TSP System Oversight Committee, together with any recommendations for action, the operational status of and trends in the NSEP TSP System, including:

(i) Numbers of requests processed for the various priority actions, and the priority levels assigned.

(ii) Relative percentages of services assigned to each priority level under each NSEP category and subcategory.

(iii) Any apparent serious misassignment or abuse of priority level assignments.

(iv) Any existing or developing problem.

(l) Submitting semi-annually to the FCC and TSP System Oversight Committee a summary report identifying the time and event associated with each invocation of NSEP treatment under section 9(c) of this appendix, whether the NSEP service requirement was adequately handled, and whether any additional charges were incurred. These reports will be due by April 30th for the preceding July through December and by October 31 for the preceding January through June time periods.

(m) All reports submitted to the FCC should be directed to Chief, Domestic Services Branch, Common Carrier Bureau, Washington, DC 20554.

(3) Function (on a discretionary basis) as a sponsoring Federal organization. (See section 6(c) below.)

c. Sponsoring Federal organizations will:

(1) Review and decide whether to sponsor foreign, state, and local government and private industry (including telecommunication service vendors) requests for priority actions. Federal organizations will forward sponsored requests with recommendations for disposition to the Executive Office of the President. Recommendations will be based on the categories and criteria in section 12 of this appendix.

(2) Forward notification of priority actions or denials of requests for priority actions from the Executive Office of the President to the requesting foreign, state, and local government and private industry entities.

(3) Cooperate with the Executive Office of the President during reconciliation, revalidation, and audits.

(4) Comply with any regulations and procedures supplemental to and consistent with this appendix which are issued by the Executive Office of the President.

d. Service users will:

(1) Identify services requiring priority level assignments and request and justify priority level assignments in accordance with this appendix and any supplemental

regulations and procedures issued by the Executive Office of the President that are consistent with this appendix.

(2) Request and justify revalidation of all priority level assignments at least every three years.

(3) For services assigned priority levels, ensure (through contractual means or otherwise) availability of customer premises equipment and wiring necessary for end-to-end service operation by the service due date, and continued operation; and, for such services in the Emergency NSEP category, by the time that vendors are prepared to provide the services. Additionally, designate the organization responsible for the service on an end-to-end basis.

(4) Be prepared to accept services assigned priority levels by the service due dates or, for services in the Emergency NSEP category, when they are available.

(5) Pay vendors any authorized costs associated with services that are assigned priority levels.

(6) Report to vendors any failed or unusable services that are assigned priority levels.

(7) Designate a 24-hour point-of-contact for matters concerning each request for priority action and apprise the Executive Office of the President thereof.

(8) Upon termination of services that are assigned priority levels, or circumstances warranting revisions in priority level assignment (e.g., expansion of service), request and justify revocation or revision.

(9) When NSEP treatment is invoked under section 9(c) of this appendix, within 90 days following provisioning of the service involved, forward to the National Coordinating Center (see section 3(e) of this appendix) complete information identifying the time and event associated with the invocation and regarding whether the NSEP service requirement was adequately handled and whether any additional charges were incurred.

(10) Cooperate with the Executive Office of the President during reconciliation, revalidation, and audits.

(11) Comply with any regulations and procedures supplemental to and consistent with this appendix that are issued by the Executive Office of the President.

e. Non-federal service users, in addition to responsibilities prescribed above in section 6(d), will obtain a sponsoring Federal organization for all requests for priority actions. If unable to find a sponsoring Federal organization, a non-federal service user may submit its request, which must include documentation of attempts made to obtain a sponsor and reasons given by the sponsor for its refusal, directly to the Executive Office of the President.

f. Service vendors will:

(1) When NSEP treatment is invoked by service users, provision NSEP telecommunication services before non-NSEP services, based on priority level assignments made by the Executive Office of the President. Provisioning will require service vendors to:

(a) Allocate resources to ensure best efforts to provide NSEP services by the time required. When limited resources constrain response capability, vendors will address conflicts for resources by:

(i) Providing NSEP services in order of provisioning priority level assignment (i.e., "E", "1", "2", "3", "4", or "5");

(ii) Providing Emergency NSEP services (i.e., those assigned provisioning priority level "E") in order of receipt of the service requests;

(iii) Providing Essential NSEP services (i.e., those assigned priority levels "1", "2", "3", "4", or "5") that have the same provisioning priority level in order of service due dates; and

(iv) Referring any conflicts which cannot be resolved (to the mutual satisfaction of servicer vendors and users) to the Executive Office of the President for resolution.

(b) Comply with NSEP service requests by:

(i) Allocating resources necessary to provide Emergency NSEP services as soon as possible, dispatching outside normal business hours when necessary;

(ii) Ensuring best efforts to meet requested service dates for Essential NSEP services, negotiating a mutually (customer and vendor) acceptable service due date when the requested service due date cannot be met; and

(iii) Seeking National Coordinating Center (NCC) assistance as authorized under the NCC Charter (see section 1.3, NCC Charter, dated October 9, 1985).

(2) Restore NSEP telecommunications services which suffer outage, or are reported as unusable or otherwise in need of restoration, before non-NSEP services, based on restoration priority level assignments. (NOTE: For broadband or multiple service facilities, restoration is permitted even though it might result in restoration of services assigned no or lower priority levels along with, or sometimes ahead of, some higher priority level services.) Restoration will require service vendors to restore NSEP services in order of restoration priority level assignment (i.e., "1", "2", "3", "4", or "5") by:

(a) Allocating available resources to restore NPEP services as quickly as practicable, dispatching outside normal business hours to restore services assigned priority levels "1", "2", and "3" when necessary, and services assigned priority level "4" and "5" when the next business day is more than 24 hours away;

(b) Restoring NSEP services assigned the same restoration priority level based upon which can be first restored. (However, restoration actions in progress should not normally be interrupted to restore another NSEP service assigned the same restoration priority level);

(c) Patching and/or rerouting NSEP services assigned restoration priority levels from "1" through "5," when use of patching and/or rerouting will hasten restoration;

(d) Seeking National Coordinating Center (NCC) assistance authorized under the NCC Charter; and

(e) Referring any conflicts which cannot be resolved (to the mutual satisfaction of service vendors and users) to the Executive Office of the President for resolution.

(3) Respond to provisioning requests of customers and/or other service vendors, and to restoration priority level assignments when an NSEP service suffers an outage or is reported as unusable, by:

(a) Ensuring that vendor personnel understand their responsibilities to handle NSEP provisioning requests and to restore NSEP service; and

(b) Providing a 24-hour point-of-contact for receiving provisioning requests for Emergency NSEP services and reports of NSEP service outages or unusability.

(c) Seek verification from an authorized entity if legitimacy of a priority level assignment or provisioning request for an NSEP service is in doubt. However, processing of Emergency NSEP service requests will not be delayed for verification purposes.

(4) Cooperate with other service vendors involved in provisioning or restoring a portion of an NSEP service by honoring provisioning or restoration priority level assignments, or requests for assistance to provision or restore NSEP services, as detailed in sections 6(f)(1), (2), and (3) above.

(5) All service vendors, including resale carriers, are required to ensure that service vendors supplying underlying facilities are provided information necessary to implement priority treatment of facilities that support NSEP services.

(6) Preempt, when necessary, existing services to provide an NSEP service as authorized in section 7 of this appendix.

(7) Assist in ensuring that priority level assignments of NSEP services are accurately identified "end-to-end" by:

(a) Seeking verification from an authorized Federal government entity if the legitimacy of the restoration priority level assignment is in doubt;

(b) Providing to subcontractors and/or interconnecting carriers the restoration priority level assigned to a service;

(c) Supplying, to the Executive Office of the President, when acting as a prime contractor to a service user, confirmation information regarding NSEP service completion for that portion of the service they have contracted to supply;

(d) Supplying, to the Executive Office of the President, NSEP service information for the purpose of reconciliation.

(e) Cooperating with the Executive Office of the President during reconciliation.

(f) Periodically initiating reconciliation with their subcontractors and arranging for subsequent subcontractors to cooperate in the reconciliation process.

(8) Receive compensation for costs authorized through tariffs or contracts by:

(a) Provisions contained in properly filed state or Federal tariffs; or

(b) Provisions of properly negotiated contracts where the carrier is not required to file tariffs.

(9) Provision or restore only the portions of services for which they have agreed to be responsible (i.e., have contracted to supply), unless the President's war emergency powers under section 706 of the Communications Act are in effect.

(10) Cooperate withe the Executive Office of the President during audits.

(11) Comply with any regulations or procedures supplemental to and consistent with this appendix that are issued by the Executive Office of the President and reviewed by the FCC.

(12) Insure that at all times a reasonable number of public switched network services are made available for public use.

(13) Not disclose information concerning NSEP services they provide to those not having a need-to-know or might use the information for competitive advantage.

7. Preemption of Existing Services

When necessary to provision or restore NSEP services, service vendors may preempt services they provide as specified below. "User" as used in this Section means any user of a telecommunications service, including both NSEP and non-NSEP services. Prior consent by a preempted user is not required.

a. The sequence in which existing services may be preempted to provision NSEP services assigned a provisioning priority level "E" or restore NSEP services assigned a restoration priority level from "1" through "5":

(1) Non-NSEP services: If suitable spare services are not available, then, based on the considerations in this appendix and the service vendor's best judgment, non-NSEP services will be preempted. After ensuring a sufficient number of public switched services are available for public use, based on the service vendor's best judgment, such services may be used to satisfy a requirement for provisioning or restoring NSEP services.

(2) NSEP services: If no suitable spare or non-NSEP services are available, then exist-

ng NSEP services may be preempted to pro- ision or restore NSEP services with higher riority level assignments. When this is nec- ssary, NSEP services will be selected for reemption in the inverse order of priority evel assignment.

(3) Service vendors who are preempting ervices will ensure their best effort to otify the service user of the preempted ervice and state the reason for and estimat- d duration of the preemption.

b. Service vendors may, based on their est judgment, determine the sequence in hich existing services may be preempted o provision NSEP services assigned a provi- ioning priority of "1" through "5". Preemp- ion is not subject to the consent of the user hose service will be preempted.

8. Requests for Priority Assignments.

All service users are required to submit re- uests for priority actions through the Ex- cutive Office of the President in the ormat and following the procedures pre- cribed by that Office.

9. Assignment, Approval, Use, and Invocation of Priority Levels

a. *Assignment and approval of priority levels.* Priority level assignments will be based upon the categories and criteria specified in section 12 of this appendix. A priority level assignment made by the Executive Office of the President will serve as that Office's recommendation to the FCC. Until the President's war emergency powers are invoked, priority level assignments must be approved by the FCC. However, service vendors are ordered to implement any priority level assignments that are pending FCC approval.

After invocation of the President's war emergency powers, these requirements may be superseded by other procedures issued by the Executive Office of the President.

b. *Use of Priority Level Assignments.*

(1) All provisioning and restoration priority level assignments for services in the Emergency NSEP category will be included in initial service orders to vendors. Provisioning priority level assignments for Essential NSEP services, however, will not usually be included in initial service orders to vendors. NSEP treatment for Essential NSEP services will be invoked and provisioning priority level assignments will be conveyed to service vendors only if the vendors cannot meet needed service dates through the normal provisioning process.

(2) Any revision or revocation of either provisioning or restoration priority level assignments will also be transmitted to vendors.

(3) Service vendors shall accept priority levels and/or revisions only after assignment by the Executive Office of the President.

NOTE: Service vendors acting as prime contractors will accept assigned NSEP priority levels only when they are accompanied by the Executive Office of the President designated service identification, *i.e.*, TSP Authorization Code. However, service vendors are authorized to accept priority levels and/or revisions from users and contracting activities before assignment by the Executive Office of the President when service vendor, user, and contracting activities are unable to communicate with either the Executive Office of the President or the FCC. Processing of Emergency NSEP service requests will not be delayed for verification purposes.

c. *Invocation of NSEP treatment.* To invoke NSEP treatment for the priority provisioning of an NSEP telecommunications service, an authorized Federal official either within, or acting on behalf of, the service user's organization must make a written or oral declaration to concerned service vendor(s) and the Executive Office of the President that NSEP treatment is being invoked. Authorized Federal officials include the head or director of a Federal agency, commander of a unified/specified military command, chief of a military service, or commander of a major military command; the delegates of any of the foregoing; or any other officials as specified in supplemental regulations or procedures issued by the Executive Office of the President. The authority to invoke NSEP treatment may be delegated only to a general or flag officer of a military service, civilian employee of equivalent grade (e.g., Senior Executive Service member), Federal Coordinating Officer or Federal Emergency Communications Coordinator/Manager, or any other such officials specified in supplemental regulations or procedures issued by the Executive Office of the President. Delegates must be designated as such in writing, and written or oral invocations must be accomplished, in accordance with supplemental regulations or procedures issued by the Executive Office of the President.

10. Resubmission of Circuits Presently Assigned Restoration Priorities

All circuits assigned restoration priorities must be reviewed for eligibility for initial restoration priority level assignment under the provisions of this appendix. Circuits currently assigned restoration priorities, and for which restoration priority level assignments are requested under section 8 of this appendix, will be resubmitted to the Executive Office of the President. To resubmit such circuits, service users will comply with applicable provisions of section 6(d) of this appendix.

11. Appeal

Service users or sponsoring Federal organizations may appeal any priority level assignment, denial, revision, revocation, approval, or disapproval to the Executive Office of the President within 30 days of notification to the service user. The appellant must use the form or format required by the Executive Office of the President and must serve the FCC with a copy of its appeal. The Executive Office of the President will act on the appeal within 90 days of receipt. Service users and sponsoring Federal organizations may only then appeal directly to the FCC. Such FCC appeal must be filed within 30 days of notification of the Executive Office of the President's decision on appeal. Additionally, the Executive Office of the President may appeal any FCC revisions, approvals, or disapprovals to the FCC. All appeals to the FCC must be submitted using the form or format required. The party filing its appeal with the FCC must include factual details supporting its claim and must serve a copy on the Executive Office of the President and any other party directly involved. Such party may file a response within 20 days, and replies may be filed within 10 days thereafter. The Commission will not issue public notices of such submissions. The Commission will provide notice of its decision to the parties of record. Any appeals to the Executive Office of the President that include a claim of new information that has not been presented before for consideration may be submitted at any time.

12. NSEP TSP System Categories, Criteria, and Priority Levels

a. *General.* NSEP TSP System categories and criteria, and permissible priority level assignments, are defined and explained below.

(1) The Essential NSEP category has four subcategories: National Security Leadership; National Security Posture and U.S. Population Attack Warning; Public Health, Safety, and Maintenance of Law and Order; and Public Welfare and Maintenance of National Economic Posture. Each subcategory has its own criteria. Criteria are also shown for the Emergency NSEP category, which has no sub-categories.

(2) Priority levels of "1," "2," "3," "4," and "5" may be assigned for provisioning and/or restoration of Essential NSEP telecommunication services. However, for Emergency NSEP telecommunications services, a priority level "E" is assigned for provisioning. A restoration priority level from "1" through "5" may be assigned if an Emergency NSEP service also qualifies for such a restoration priority level under the Essential NSEP category.

(3) The NSEP TSP System allows the assignment of priority levels to any NSEP telecommunications service across three time periods, or stress conditions: Peacetime/Crisis/Mobilization, Attack/War, and Post-Attack/Recovery. Priority levels will normally be assigned only for the first time period. These assigned priority levels will apply through the onset of any attack, but it is expected that they would later be revised by surviving authorized telecommunication resource managers within the Executive Office of the President based upon specific facts and circumstances arising during the Attack/War and Post-Attack/Recovery time periods.

(4) Service users may, for their own internal use, assign subpriorities to their services assigned priority levels. Receipt of and response to any such subpriorities is optional for service vendors.

(5) The following paragraphs provide a detailed explanation of the categories, subcategories, criteria, and priority level assignments, beginning with the Emergency NSEP category.

b. *Emergency NSEP.* Telecommunications services in the Emergency NSEP category are those new services so critical as to be required to be provisioned at the earliest possible time, without regard to the costs of obtaining them.

(1) *Criteria.* To qualify under the Emergency NSEP category, the service must meet criteria directly supporting or resulting from at least one of the following NSEP functions:

(a) Federal government activity responding to a Presidentially declared disaster or emergency as defined in the Disaster Relief Act (42 U.S.C 5122).

(b) State or local government activity responding to a Presidentially declared disaster or emergency.

(c) Response to a state of crisis declared by the National Command Authorities (e.g., exercise of Presidential war emergency powers under section 706 of the Communications Act.)

(d) Efforts to protect endangered U.S. personnel or property.

(e) Response to an enemy or terrorist action, civil disturbance, natural disaster, or any other unpredictable occurrence that has damaged facilities whose uninterrupted operation is critical to NSEP or the management of other ongoing crises.

(f) Certification by the head or director of a Federal agency, commander of a unified/specified command, chief of a military service, or commander of a major military command, that the telecommunications service is so critical to protection of life and property or to NSEP that it must be provided immediately.

(g) A request from an official authorized pursuant to the Foreign Intelligence Surveillance Act (50 U.S.C. 1801 *et seq.* and 18 U.S.C. 2511, 2518, 2519).

(2) *Priority Level Assignment.*

(a) Services qualifying under the Emergency NSEP category are assigned priority level "E" for provisioning.

(b) After 30 days, assignments of provisioning priority level "E" for Emergency NSEP services are automatically revoked unless extended for another 30-day period. A notice of any such revocation will be sent to service vendors.

(c) For restoration, Emergency NSEP services may be assigned priority levels under the provisions applicable to Essential NSEP services (see section 12(c)). Emergency NSEP services not otherwise qualifying for restoration priority level assignment as Essential NSEP may be assigned a restoration priority level "5" for a 30-day period. Such 30-day restoration priority level assignments will be revoked automatically unless extended for another 30-day period. A notice of any such revocation will be sent to service vendors.

c. *Essential NSEP.* Telecommunication services in the Essential NSEP category are those required to be provisioned by due dates specified by service users, or restored promptly, normally without regard to associated overtime or expediting costs. They may be assigned priority level of "1," "2," "3," "4," or "5" for both provisioning and restoration, depending upon the nature and urgency of the supported function, the impact of lack of service or of service interruption upon the supported function, and, for priority access to public switched services, the user's level of responsibility. Priority level assignments will be valid for no more than three years unless revalidated. To be categorized as Essential NSEP, a telecommunications service must qualify under one of the four following subcategories: National Security Leadership; National Security Posture and U.S. Population Attack Warning; Public Health, Safety and Maintenance of Law and Order; or Public Welfare and Maintenance of National Economic Posture. (NOTE.—Under emergency circumstances, Essential NSEP telecommunication services may be recategorized as Emergency NSEP and assigned a priority level "E" for provisioning.)

(1) *National security leadership.* This subcategory will be strictly limited to only those telecommunication services essential to national survival if nuclear attack threatens or occurs, and critical orderwire and control services necessary to ensure the rapid and efficient provisioning or restoration of other NSEP telecommunication services. Services in this subcategory are those for which a service interruption of even a few minutes would have serious adverse impact upon the supported NSEP function.

(a) *Criteria.* To qualify under this subcategory, a service must be at least one of the following:

(i) Critical orderwire, or control service, supporting other NSEP functions.

(ii) Presidential communications service critical to continuity of government and national leadership during crisis situations.

(iii) National Command Authority communications service for military command and control critical to national survival.

(iv) Intelligence communications service critical to warning of potentially catastrophic attack.

(v) Communications service supporting the conduct of diplomatic negotiations critical to arresting or limiting hostilities.

(b) *Priority level assignment.* Services under this subcategory will normally be assigned priority level "1" for provisioning and restoration during the Peace/Crisis/Mobilization time period.

(2) *National security posture and U.S. population attack warning.* This subcategory covers those minimum additional telecommunication services essential to maintaining an optimum defense, diplomatic, or continuity-of-government postures before, during, and after crises situations. Such situations are those ranging from national emergencies to international crises, including nuclear attack. Services in this subcategory are those for which a service interruption ranging from a few minutes to one day would have serious adverse impact upon the supported NSEP function.

(a) *Criteria.* To qualify under this subcategory, a service must support at least one of the following NSEP functions:

(i) Threat assessment and attack warning.

(ii) Conduct of diplomacy.

(iii) Collection, processing, and dissemination of intelligence.

(iv) Command and control of military forces.

(v) Military mobilization.

(vi) Continuity of Federal government before, during, and after crises situations.

(vii) Continuity of state and local government functions supporting the Federal government during and after national emergencies.

(viii) Recovery of critical national functions after crises situations.

(ix) National space operations.

(b) *Priority level assignment.* Services under this subcategory will normally be assigned priority level "2," "3," "4," or "5" for provisioning and restoration during Peacetime/Crisis/Mobilization.

(3) *Public health, safety, and maintenance of law and order.* This subcategory covers the minimum number of telecommunication services necessary for giving civil alert to

the U.S. population and maintaining law and order and the health and safety of the U.S. population in times of any national, regional, or serious local emergency. These services are those for which a service interruption ranging from a few minutes to one day would have serious adverse impact upon the supported NSEP functions.

(a) *Criteria.* To qualify under this subcategory, a service must support at least one of the following NSEP functions:

(i) Population warning (other than attack warning).

(ii) Law enforcement.

(iii) Continuity of critical state and local government functions (other than support of the Federal government during and after national emergencies).

(vi) Hospitals and distributions of medical supplies.

(v) Critical logistic functions and public utility services.

(vi) Civil air traffic control.

(vii) Military assistance to civil authorities.

(viii) Defense and protection of critical industrial facilities.

(ix) Critical weather services.

(x) Transportation to accomplish the foregoing NSEP functions.

(b) *Priority level assignment.* Service under this subcategory will normally be assigned priority levels "3," "4," or "5" for provisioning and restoration during Peacetime/Crisis/Mobilization.

(4) *Public welfare and maintenance of national economic posture.* This subcategory covers the minimum number of telecommunications services necessary for maintaining the public welfare and national economic posture during any national or regional emergency. These services are those for which a service interruption ranging from a few minutes to one day would have serious adverse impact upon the supported NSEP function.

(a) *Criteria.* To qualify under this subcategory, a service must support at least one of the following NSEP functions:

(i) Distribution of food and other essential supplies.

(ii) Maintenance of national monetary, credit, and financial systems.

(iii) Maintenance of price, wage, rent, and salary stabilization, and consumer rationing programs.

(iv) Control of production and distribution of strategic materials and energy supplies.

(v) Prevention and control of environmental hazards or damage.

(vi) Transportation to accomplish the foregoing NSEP functions.

(b) *Priority level assignment.* Services under this subcategory will normally be assigned priority levels "4" or "5" for provisioning and restoration during Peacetime/Crisis/Mobilization.

d. *Limitations.* Priority levels will be assigned only to the minimum number of telecommunication services required to support an NSEP function. Priority levels will not normally be assigned to backup services on a continuing basis, absent additional justification, *e.g.*, a service user specifies a requirement for physically diverse routing or contracts for additional continuity-of-service features. The Executive Office of the President may also establish limitations upon the relative numbers of services which may be assigned any restoration priority level. These limitations will not take precedence over laws or executive orders. Such limitations shall not be exceeded absent waiver by the Executive Office of the President.

e. *Non-NSEP services.* Telecommunication services in the non-NSEP category will be those which do not meet the criteria for either Emergency NSEP or Essential NSEP.

[53 FR 47536, Nov. 23, 1988; 54 FR 152, Jan. 4, 1989; 54 FR 1471, Jan. 13, 1989]

PART 65—INTERSTATE RATE OF RETURN PRESCRIPTION PROCEDURES AND METHODOLOGIES

Subpart A—General

Sec.

65.1 Application of Part 65.

Subpart B—Procedures

65.100 Participation and notice of appearance.
65.101 Petition for exclusion from group treatment and individual treatment in determining authorized return for interstate exchange access service.
65.102 Procedures for filing rate of return submissions.
65.103 Discovery.
65.104 Oral cross-examination of witnesses.
65.105 Proposed findings of fact and conclusions.
65.106 Oral argument.

Subpart C—Exchange Carriers

65.200 State authorized returns for exchange carriers.
65.201 Required filings.
65.300 Calculations of the components and weights of the cost of capital.
65.301 Embedded cost of debt.
65.302 Preferred stock.
65.303 Cost of common stock equity.
65.304 Calculation of the weighted cost of capital for each company.

Sec.
65.400 Determination of sets of firms that have risk characteristics that are comparable to interstate exchange access services.
65.450 Net income.

Subpart D—Interexchange Carriers

65.500 Determination of comparable firms for carriers other than exchange carriers.
65.510 Net income.

Subpart E—Rate of Return Reports

65.600 Rate of return reports.

Subpart F—Maximum Allowable Rates of Return

65.700 Determining the maximum allowable rate of return.
5.701 Period of review.
5.702 Measurement of interstate service earnings.
5.703 Refunds.

Subpart G—Rate Base

5.800 Rate base.
5.810 Definitions.
5.820 Included items.
5.830 Deducted items.

AUTHORITY: Secs. 4, 201, 202, 203, 205, 218,
03, 48 Stat., 1066, 1072, 1077, 1094, as
mended, 47 U.S.C. 154, 201, 202, 203, 205,
18, 403.

SOURCE: 51 FR 1808, Jan. 15, 1986, unless
therwise noted.

Subpart A—General

65.1 Application of Part 65.

This part establishes procedures and
nethodologies for Commission pre-
cription of interstate rates of return.
'his part shall apply to those inter-
tate services and carriers as the Com-
nission shall designate by Order. This
art and the existing rate of return
rescription shall not apply to domi-
ant interexchange carriers subject to
§ 61.41 through 61.49, except as set
orth in §§ 65.600(c), 65.701(c), and
5.703(g).

54 FR 19844, May 8, 1989]

Subpart B—Procedures

§ 65.100 Participation and notice of appearance.

(a) All interstate exchange access carriers or interstate common carriers, their customers, and any member of the public may participate in rate of return proceedings to determine the authorized interstate exchange access rate of return or individual interstate common carrier rates of return.

(1) All exchange carriers required to file a rate of return submission pursuant to § 65.200 and other interested persons, including but not limited to other exchange carriers and customers for interstate exchange access service, who intend to participate shall file a notice of appearance stating the basis of their interest and their intent to participate. In proceedings to determine the authorized rate of return for an individual interstate common carrier, the carrier, and other interested persons, including but not limited to customers and members of the public who intend to participate shall file a notice of appearance stating the basis of their interest and their intent to participate.

(2) Members of the public with no direct interest who intend to participate, and who wish to be served with rate of return submissions and filings of other participants, shall file a notice of appearance stating their desire to be served with the filings of other participants.

(b) In order to permit participants to complete service by hand on the filing dates when so required by Part 65, participants shall specify in their notice of appearance an agent for acceptance of service by hand in the District of Columbia. The participant may elect in its notice to receive service by mail and/or upon an agent at another location. When such an election is made, other participants are not required by any provision of Part 65 to complete service on the filing date, and requests for extension of time due to delays in completion of service will not be entertained.

(c) The Chief, Common Carrier Bureau may, in his discretion, order a Separated Trial Staff to participate in rate of return proceedings. The nature and extent of its participation shall be determined on a case-by-case basis.

(d) 6 copies of a notice of appearance shall be filed with the Secretary at least 14 calendar days before the date upon which the initial exchange carrier or individual interstate carrier rate of return submission must be filed.

[51 FR 1808, Jan. 15, 1986, as amended at 51 FR 15328, Apr. 23, 1986]

§ 65.101 Petitions for exclusion from group treatment and individual treatment in determining authorized return for interstate exchange access service.

(a) Exclusion from the exchange carrier group and individual treatment will be granted for a period of two years if the cost of capital for interstate exchange service, as determined by application of §§ 65.200-65.400, is so low as to be confiscatory because it is outside the zone of reasonableness for the individual carrier's required rate of return for exchange services. To make such a showing, the petitioner shall perform a comparable firms analysis, utilizing the methodologies specified in § 65.400, based upon the interstate operations of the firm for which exceptional treatment is sought. In this regard, the following independently audited quarterly data for two calendar years preceding the petition shall be certified to this Commission and utilized for coefficient of variation analysis of the exchange carrier for whom exceptional treatment is sought:

(1) Financial statements for the exchange carrier;

(2) Financial statements of jurisdictionally separated revenues, expenses, net assets, and rate base (See Part 36 of the Commission's Rules, 47 CFR 36.1, *et seq.*);

(3) Financial statements of jurisdictionally separated revenues, expenses, net assets, and rate base for each access service rate element as defined in Part 69 of the Commission's Rules, 47 CFR 69.1, et seq.

(b) The petition must make a showing, plead with particularity, that exceptional facts and circumstances justify individual treatment. The showing shall include a demonstration that the exceptional facts and circumstances
are not of transitory effect, such th
exclusion for a period of at least t
years is justified. When a petition
filed at any time other than specif
in § 65.102(c)(2), the petitioner m
provide compelling evidence that t
fluctuation in earnings requirement
not simply the result of short te
fluctuations in the cost of capital
similar events.

(c) Filing or grant of a petition
exclusion from the exchange acc
group and individual treatment sh
not excuse any exchange carrier fr
filing the exchange carrier submiss
regarding interstate exchange acc
rate of return required by § 65.2
The petition for exclusion and an in
vidually prescribed rate of return sh
be considered concurrently with t
unitary interstate exchange access
thorized rate of return.

[51 FR 1808, Jan. 15, 1986, as amended at
FR 32922, Sept. 17, 1986; 52 FR 17251, M
6, 1987]

§ 65.102 Procedures for filing rate
return submissions.

(a) Rate of return submissions list
by § 65.102(b) may include relev
evidence other than the data p
scribed by Part 65, subject to the pa
limitations of § 65.102(b). The Chi
Common Carrier Bureau may requ
from carriers providing interstate se
ices, and from other participants s
mitting rate of return submissio
data or studies that are reasonably c
culated to lead to a full and f
record.

(b) Rate of return submissions,
cluding all argument, attachments,
pendices, supplements, and supporti
materials such as testimony, data a
documents but excluding tables
contents, shall be subject to the f
lowing double spaced typewritten pa
limits:

(1) Initial carrier rate of return s
missions for the prescribed methodo
gies shall not exceed 70 pages
length. Data prescribed
§§ 65.201(a)(1) and (2), 65.201(b), a
65.300-65.400 are not counted in the
pages.

(2) The responsive filing of any pa
ticipant to each initial carrier rate

return submissions shall not exceed 50 pages in length.

(3) The carrier rebuttal to each responsive submissions shall not exceed 35 pages in length.

(4) Petitions for exclusion from interstate exchange access group treatment shall not exceed 70 pages in length, including the individual rate of return submission required by §§ 65.300–65.400. Oppositions shall not exceed 50 pages in length. Rebuttals shall not exceed 35 pages in length.

(c) *Filing dates, number of copies and service.* (1) The filing date for the first initial rate of return submissions, for interstate exchange access proceedings conducted pursuant to Part 65, is February 3, 1986. Thereafter, the initial carrier rate of return submission shall be filed on January 3, or the next regular day of business when January 3 falls on a Saturday or Sunday, at two year intervals. Rate of return submissions responsive to the initial carrier rate of return filings shall be filed 35 calendar days later. Carrier rebuttal submissions shall be filed 21 calendar days after responsive submissions are filed.

(2) Petitions for exclusion from the interstate exchange access group and for individual treatment shall be filed on the same date as the responsive rate of return submissions. Oppositions shall be filed 35 calendar days later. The rebuttal submissions shall be filed 21 calendar days after responsive submissions are filed.

(3) An original and 8 copies of all rate of return submissions shall be filed with the Secretary.

(4) A copy of each rate of return submission shall be served on the filing date thereof upon all participants who have filed a notice of appearance pursuant to § 65.100(a).

[51 FR 1808, Jan. 15, 1986, as amended at 51 FR 4598, Feb. 6, 1986; 51 FR 32922, Sept. 17, 1986]

§ 65.103 Discovery.

(a) Participants may file written interrogatories and requests for documents directed to any rate of return submission. The permissible scope of examination is that participants may be examined upon any matter, not privileged, that will demonstrably lead to the production of material, relevant, decisionally significant evidence. The Chief, Common Carrier Bureau shall rule upon any such request.

(b) Requests for information shall be filed within 14 calendar days after the filing of the rate of return submission to which the request is directed. Oppositions shall be filed no later than 7 calendar days after requests are filed. A response shall be provided within 14 calendar days after release of the Common Carrier Bureau decision granting the request.

(c) An original and 8 copies of all requests, oppositions, and responses shall be filed with the Secretary.

(d) Service of requests, oppositions, and responses shall be made upon all participants who have filed a notice of appearance pursuant to § 65.100(a). Service of requests upon participants who have filed a notice of appearance pursuant to § 65.100(a) shall be made by hand on the filing dates thereof.

[51 FR 1808, Jan. 15, 1986, as amended at 51 FR 15328, Apr. 23, 1986]

§ 65.104 Oral cross-examination of witnesses.

(a) The Chief, Common Carrier Bureau shall rule upon requests for cross-examination of witnesses. A request for cross-examination shall be granted upon a showing that the use of written procedures would result in prejudice to a party, and that cross-examination is necessary to achieve a full and fair record. In this regard, it must be demonstrated that written information requests are inadequate to decisively resolve genuine, substantial, material questions of fact. In addition, the request must show that only cross-examination can decisively resolve genuine, substantial, material questions of fact. Requests must be supported by a proffer of the evidence expected to be adduced and a demonstration of the lines of examination that require exploration. Requests for cross-examination must be specific as to the witness and the facts that are expected to be developed.

(b) Requests for cross-examination shall be filed within 14 calendar days after filing of the rate of return submission to which the request is directed. Oppositions shall be filed no more than 7 calendar days after requests are filed.

(c) An original and 8 copies of each request or opposition shall be filed with the Secretary. Service of requests and oppositions shall be made upon all participants who have filed a notice of appearance pursuant to § 65.100(a). Service of requests and oppositions shall be made by hand on the filing dates thereof upon all participants who have filed a notice of appearance pursuant to § 65.100(a)(1).

(d) Requests for cross-examination which are denied shall be processed as requests for discovery, pursuant to § 65.103.

(e) Cross-examination of designated witnesses on designated factual issues shall be completed with a maximum of five hearing days, absent extraordinary circumstances, and no later than the date specified in the order granting any requests for cross-examination. The order and time allotted for each witness and each examiner in within the discretion of the Administrative Law Judge. Participants may combine resources and representation to conduct cross-examination. Prehearing conferences to schedule the order of and time allotted for witnesses and examiners shall not be counted in the five hearing days.

(f) The Common Carrier Bureau may designate witnesses and issues for cross-examination on its own motion.

(g) If oral cross-examination is conducted before an Administrative Law Judge, the record shall be certified to the Commission at the close of hearing and no Initial Decision shall be issued.

[51 FR 1808, Jan. 15, 1986, as amended at 51 FR 15328, Apr. 23, 1986]

§ 65.105 Proposed findings of fact and conclusions.

(a) Proposed findings and conclusions shall not exceed 70 double spaced typerwritten pages in length. Reply findings and conclusions shall not exceed 35 pages. Tables of contents and tables of citations are not counted in the page limits. All other contents of and attachments to findings and conclusions are counted. If any exchange carrier has filed a petition for exclusion from the interstate exchange access group and for individual treatment, participants may file additional proposed findings. Such additional findings and conclusions are limited to the requests for exclusion and individual treatment and shall not exceed 50 pages in length. Reply findings and conclusions shall not exceed 25 pages.

(b) Proposed findings and conclusions shall be filed 21 calendar days after completion of any oral cross-examination. In the absence of oral cross-examination, proposed findings and conclusions shall be filed 56 days after submission of the rebuttal rate of return submissions. Reply findings and conclusions shall be submitted 14 calendar days after proposed findings and conclusions are filed.

(c) Participants shall file an original and 13 copies of their findings and conclusions with the Secretary. Service shall be made upon all participants who have filed a notice of appearance pursuant to § 65.100(a). Service shall be made by hand on the filing date upon all participants who have filed a notice of appearance pursuant to § 65.100(a)(1).

[51 FR 1808, Jan. 15, 1986, as amended at 51 FR 15328, Apr. 23, 1986]

§ 65.106 Oral argument.

(a) The Commission shall consider requests for oral argument. Requests will be granted upon a showing that oral argument is necessary for a full and fair record and that the use of written argument is prejudicial to a participant. In this regard, it must be demonstrated that due and full consideration of all matters of fact and law require oral argument, and that benefits can be expected from oral argument which could not be obtained from written procedures.

(b) Requests for oral argument shall be filed no later than 7 calendar days after the filing date for reply findings and conclusions.

(c) An original and 13 copies of requests for oral argument shall be filed with the Secretary. Service on the filing date shall be made upon all participants who have filed a notice of appearance pursuant to § 65.100(a).

Subpart C—Exchange Carriers

§ 65.200 State Authorized returns for exchange carriers.

(a) All exchange carrier holding companies that directly or indirectly receive interstate revenues from assets that are used, or have been used, in whole or in part, for the provision of interstate exchange access functions, or that have been otherwise assigned, in whole or in part, through jurisdictional separations to the interstate jurisdiction, that further meet the criteria specified in this section, shall file with the Secretary of the Federal Communications Commission the information that is specified in §§ 65.201 and 65.400.

(b) Notwithstanding any other provision of § 65.200, paragraph (a) shall only apply (except as hereafter provided) to those exchange carriers and exchange carrier holding companies that:

(1) Receive their revenues predominantly from the provision of telephone exchange services;

(2) Are listed on the New York Stock Exchange;

(3) Filed quarterly and annual financial statements with the Securities and Exchange Commission during 1984 and that continue to so file;

(4) Have more than sixteen billion dollars ($16,000,000,000) in assets; and

(5) Have more than eight hundred thousand (800,000) shareholders of common stock as of the effective date of this order.

§ 65.201 Required filings.

(a) *State cost of capital determinations.* Those exchange carrier holding companies that meet the criteria specified in § 65.200, for those states in which an exchange carrier of the holding company is the principal (or largest, in terms of net assets) exchange carrier in the state, shall provide to this Commission:

(1) Each state determined cost of capital that is applicable to that firm's intrastate exchange carrier operations as of the date of filing;

(2) A certified copy of each state decision that establishes each of the preceding costs of capital; and

(3) Any exceptions that the filing entity wishes to take with respect to the state determined cost of capital decisions. The exceptions thus filed shall be included in the page limits contained in § 65.102(b).

(b) *Costs of capital of firms subject to § 65.200.* Each party filing pursuant to the requirements of § 65.201(a) shall also certify to this Commission and file, for the two calendar year period preceding the represcription filing:

(1) Its consolidated quaraterly financial structure, as filed with the Securities and Exchange Commission, for each quarater subsequent to January 1, 1984;

(2) Its consolidated annual financial statements, as filed with the Securities and Exchange Commission, for each year subsequent to January 1, 1984;

(3) The embedded cost of debt (expressed as an annual rate, see § 65.301) that applies to each debt obligation that is contained in the most recent financial structure that has been filed with the Securities and Exchange Commission.

(4) The embedded cost of preferred stock (expressed as an annual rate, see § 65.302) that applies to each class of preferred stock that is listed in the most recent financial structure filed pursuant to § 65.201(b) (1) and (2).

(5) The cost of common equity capital (as specified in § 65.303);

(6) The weights that are to be applied to each cost of capital element (see §§ 65.300, 65.304);

(7) The weighted average cost of capital of the filing party (see § 65.304(d)).

[51 FR 1808, Jan. 15, 1986, as amended at 51 FR 4598, Feb. 6, 1986]

§ 65.300 Calculations of the components and weights of the cost of capital.

Sections 65.301-304 specify the calculations that are to be performed in computing the weighted average cost of capital for each firm for whom a weighted average cost of capital is calculated. Financial structure weights, debt issues, and classes of preferred and common stock are to be calculated on the basis of the most recent position statement (10-Q or 10-K) that has been filed with the Securities and Exchange Commission. The calculations of costs of capital and their weights shall be calculated to eight decimal places and shall not be rounded at the eighth decimal place.

(a) Excluded from all cost of capital calculations shall be those sources of financing that are not investor supplied, or that are otherwise subtracted from a carrier's rate base pursuant to Commission orders governing the calculation of net rate base amounts in tariff filings that are made pursuant to section 203 of the Communications Act of 1934, 47 U.S.C. 203, or that were treated as "zero cost" sources of financing in the Commission's decision in CC Docket No. 79-63, 86 F.C.C. 2d 221-233, 249 (1981). Specially excluded are: accounts payable, accrued taxes, accrued interest, dividends payable, deferred credits and operating reserves, deferred taxes, and deferred tax credits.

(b) Where the embedded cost of debt cannot be computed for any embedded cost of debt component pursuant to § 65.301, or where the cost of preferred stock, pursuant to § 65.302, cannot be calculated, the following costs of debt shall be for such components:

(1) For short term debt components (and the short term component of capitalized leases), the "Prime Bank Loan Rate";

(2) For long term debt components, the "Corporate AAA Bonds" rate;

(3) For capitalized long term lease obligations, the internal rate of return, unless that rate cannot be calculated in which case the "Corporate AAA Bonds" rate;

(4) For preferred stock, the "Corporate AAA Bonds" rate shall be used.

(c) As used in § 65.300(b), the term "Prime Bank Loan Rate" and the term "Corporate AAA Bonds" rate refer, respectively, to the rates that are reported by the Federal Reserve Bank of Saint Louis for the first week of the December preceding the represcription filing. If the Federal Reserve Bank of Saint Louis has not issued the rates referenced in § 65.300(b) by the represcription filing date, the most recent "Prime Bank Loan Rate" and the "Corporate AAA Bonds" rate that has been reported by the Board of Governors of the Federal Reserve System prior to the represcription filing shall be utilized in lieu of the Federal Reserve Bank of Saint Louis rates.

(d) Utilization of any rate pursuant to § 65.300(b) shall be separately specified, with the rates, issues, and component calculations being separately stated.

[51 FR 1808, Jan. 15, 1986, as amended at 51 FR 4598, Feb. 6, 1986]

§ 65.301 Embedded cost of debt.

Separate embedded debt calculations are to be provided for: interest bearing debt with a term at the time of issuance of less than one year; interest bearing debt with a term at the time of issuance of one year or more; non-interest bearing debt with a term at the time of issuance that is less than one year; non-interest bearing debt with a term at the time of issuance that is one year or more. In the formulae that follow, N is equal to the number of days between issuance and the date that the principal is to be repaid and n is equal to the number of years between issuance and the date upon which the principal is to be repaid, and where portions of a year are involved, where n is greater than one that portion should be expressed as a decimal where the numerator is the number of days and the denominator is 365.25. For the purpose of expressing annual rates in this proceeding, we have chosen to adjust for the 366th day every four years (leap year), by using a convention of annual intervals that are equal to 365.25 days. The weight and cost of debt of each issue are to be shown separately.

(a) *Interest bearing debt with a term less than one year that is sold at a premium.* The embedded cost of debt (K_{dip}) is to be calculated as:

$$K_{dip} = \frac{\text{(Effective Annual Interest Rate) (Principal)}}{\text{Net Proceeds}}$$

$$-\frac{(\text{Premium})\,(365.25)}{(\text{Net Proceeds})\,(N)}$$

Where:

"Premium" = Net proceeds—Principal.

"Net Proceeds" = Amount received from the debt issue, net of issuance and underwriting expenses.

"*Effective annual interest rate*" means that rate of interest, expressed on an annual basis as a decimal, that defines the number that would be multiplied by the amount to be repaid to compute the annual interest expense.

"*Principal*" = the amount that is to be repaid at the termination of the loan.

(b) *Interest bearing debt with a term that is less than one year that is sold at a discount.* The embedded cost of debt (K_{did}) is to be calculated as:

$$K_{did} = \frac{(\text{Effective Annual Interest Rate})\ (\text{Principal})}{\text{Net Proceeds}}$$

$$+\frac{(\text{Discount})\,(365.25)}{(\text{Net Proceeds})\,(N)}$$

Where:

"Discount" = Principal—Net Proceeds.

"Effective Annual Interest Rate", "Principal" and "Net Proceeds" are defined in § 65.301(a).

(c) *Interest bearing debt with a term that is greater than or equal to one year that is issued at a premium.* The embedded cost of debt (K_{dilp}) is to be calculated as:

$$K_{dip}\,1 = \frac{(\text{Effective Annual Interest Rate})\ (\text{Principal})-(\text{Premium})\,(n)^{-1}}{\text{Net Proceeds}}$$

Where all terms are as defined in § 65.301 (a)-(b).

(d) *Interest bearing debt with a term that is greater than or equal to one year that is issued at a premium.* The embedded cost of debt (K_{dild}) is to be calculated as:

$$K_{did}\,1 = \frac{(\text{Effective Annual Interest Rate})\ (\text{Principal})+(\text{Discount})\,(n)^{-1}}{\text{Net Proceeds}}$$

Where all terms are as defined in § 65.301 (a)-(b).

(e) *Non-interest bearing debt with a term that is less than one year.*

The embedded cost of debt (K_{dnis}) is to be calculated as:

$$K_{dnis} = \left[\frac{\text{Principal}-\text{Net Proceeds}}{\text{Net Proceeds}}\right]\left[\frac{365.25}{N}\right]$$

Where all terms are as defined in § 65.301(a).

(f) *Non-interest bearing debt with a term that is greater than, or equal to, one year.*

The embedded cost of debt (K_{dnilt}) is to be calculated as:

$$K_{dnilt} = \frac{\dfrac{\text{Principal}-\text{Net Proceeds}}{n}}{\text{Net Proceeds}}$$

Where all terms are defined in § 65.301(a):

[51 FR 1808, Jan. 15, 1986, as amended at 51 FR 4599, Feb. 6, 1986]

§ 65.302 Preferred stock.

The cost of each clams of preferred stock (K_{pfd}) is equal to:

$$K_{pfd} = \frac{\text{Annual Dividend}}{\text{Net proceeds from the Issuance of that class of stock}}$$

§ 65.303 Cost of common stock equity.

(a) *General.* The cost of each issue of common stock (K_e) is to be calculated by the general formula: $K_e = D/P + G_i$; where D is the average annual dividend during the two calendar years preceding the represcription filing. P is the average daily price of that issue of common stock during each trading day during the two calendar years that precede the represcription filing, and G_1 is the annual rate of growth as hereinafter defined ($G_1 = G_1$, G_2). The calculations of the cost of common stock equity should consistently adjust D, P, and G, for stock splits and dividends of shares of common stock.

(b) *Calculation of dividend* ("D"). D is the average of the annual dividends that have been paid during the two calendar years that precede the represcription filing.

(c) *Calculation of common share price* ("P"). P is the simple average of the New York Stock Exchange daily high and low prices during each trading day during the two calendar years that precede the represcription filing.

(d) *Calculation of growth* ("G"). G_1 is the annual rate of growth in dividends derived from the slope of the ordinary least squares linear trend line of quarterly dividends that were declared during the two calendar years that precede the represcription period. G_2 is the simple average of the IBES median analysis' five year annual growth rate estimates of earnings during the two calendar years that precede the represcription filing. Thus, for each issue of common stock, two estimates of the cost of common stock equity are to be calcualted:

(1) $K_{e1} = D/P + G_1$; (2) $K_{e2} = D/P + G_2$.

[51 FR 1808, Jan. 15, 1986, as amended at 51 FR 4599, Feb. 6, 1986]

§ 65.304 Calculation of the weighted cost of capital for each company.

(a) This section does not apply to the costs of capital that are determined by any state regulatory commission pursuant to § 65.201 of this part.

(b) Each company for whom a weighted cost of capital is calculated will have two costs of capital, based upon the cost of equity that is employed (K_{e1}, K_{e2}) in each weighted average cost of capital.

(c) The weight that is to be applied to each cost of capital component shall be equal to the book value of that component divided by the total book values of all cost of capital components for each firm for whom a cost of capital has been computed. The total of all weights that are calculated in the computation of the weighted average cost of capital of any firm shall be 1.0000000.

(d) The weighted average cost of capital of each company shall be that number (expressed to eight decimal places) that is equal to the sum of the products of the weight of each cost of capital component times the cost of capital expressed to eight decimal places, with no rounding of that component. Each individual weight and the cost of capital of each individual component shall be shown separately.

[51 FR 1808, Jan. 15, 1986, as amended at 51 FR 4599, Feb. 6, 1986]

§ 65.400 Determination of sets of firms that have risk characteristics that are comparable to interstate exchange access services.

(a) Comparable firms shall be determined from those New York Stock Exchange listed corporations that have:

(1) Continuously filed quarterly and annual financial statements with the Securities and Exchange Commission during the eight quarters that are closest to the represcription filing;

(2) Declare dividends on a quarterly basis; and

(3) Have IBES median five year growth rate estimates of earnings during the two calendar years preceding the represcription filing; and

(4) Have one or more debt issues that are rated by Standard and Poor's, Moody's, or Fitches' as hereinafter set forth.

(b) For each comparable firm, determined as specified herein, a weighted average cost of capital shall be calculated using the methodologies and formulae that are defined in §§ 65.300-65.304.

(c) Each party filing a comparable firm analysis shall:

(1) Identify each firm that meets the screening criteria established in § 65.400 paragraphs (a), (d), and (e).

(2) Compute for each of those firms a weighted average cost of capital using the formulae and methodologies specified in §§ 65.300-65.304;

(3) Compute a simple average of the weighted average costs of capital of a

comparable firms as determined by § 65.400(c)(2);

(4) Provide all underlying data that are used for those computations for each firm, for each cost of capital component.

(d) Excluded from the set of firms that meet the criteria that are specified in § 65.400(a), shall be those firms that do not have a Standard and Poors credit rating of AA (or the Moodys or Fitches equivalent there to) or better on one or more debt issues during the two calendar years preceding the re-prescription filings.

(e) Excluded from the set of firms that meet the criteria specified in § 65.400(d), shall be those firms that have:

(1) Detrended coefficients of variation of quarterly revenues (net of uncollectibles) that are greater than the detrended coefficient of variation of carrier common line net earned revenue, as reported by the National Exchange Carrier Association on a monthly basis; or that have

(2) Detrended coefficients of variation of total quarterly expenses that are greater than the detrended coefficient of variation of total carrier common line expenses, as reported by the National Exchange Carrier Association on a monthly basis.

(3) The computation of the NECA coefficients of variation for the February 10, 1986 filing shall be computed on the basis of monthly NECA data. For subsequent represcription filings, the monthly NECA data shall be aggregated into quarterly NECA expense and revenue data to compute coefficients of variation that are based upon that quarterly data. Coefficients of variation for comparable firms shall be calculated on the basis of quarterly data. Linear trend lines are to be computed on the basis of ordinary least squares. The detrended coefficient of variation that is to be calculated, in each instance, is the standard deviation from the ordinary least squares linear trend line of each data series divided by the average value of the data series.

(f) The set of comparable firms that shall be utilized for determining costs of capital that are analogous to the cost of capital of providing interstate access services shall be those firms that meet the conjunctive criteria specified in § 65.400 paragraphs (a), (d), and (e).

[51 FR 1808, Jan. 15, 1986, as amended at 51 FR 4599, Feb. 6, 1986]

§ 65.450 Net income.

(a) Net income shall consist of all revenues derived from the provision of interstate telecommunications services regulated by this Commission less expenses recognized by the Commission as necessary to the provision of these services. The calculation of expenses entering into the determination of net income shall include the interstate portion of plant specific operations (Accounts 6110-6441), plant nonspecific operations (Accounts 6510-6565), customer operations (Accounts 6610-6623), corporate operations (Accounts 6710-6790), other operating income and expense accounts (Accounts 7100-7160), and operating taxes (Accounts 7200-7250), except to the extent this Commission specifically provides to the contrary.

(b) Gains and losses related to the disposition of plant in service items, shall be handled as follows:

(1) Gains related to property sold to others and leased back under capital leases for use in telecommunications services shall be recorded in Account 4360 (Other Deferred Credits) and credited to Account 6563 (Amortization Expense—Tangible) over the amortization period established for the capital lease;

(2) Gains or losses related to the disposition of land and other nondepreciable items recorded in Account 7150 (Gains and Losses Resulting from the Sale of Land and Artworks) shall be included in net income for ratemaking purposes, but adjusted to reflect the relative amount of time such property was used in regulated operations and included in the rate base; and

(3) Proceeds related to the disposition of property depreciated on a group basis and used jointly in regulated and nonregulated activities, including sale-leaseback arrangements for property depreciated on a group basis, shall be credited to the related reserves and attributed to regulated

and nonregulated in proportion to the accumulated regulated and nonregulated depreciation for that group.

(c) Gains or losses related to the disposition of property that was never included in the rate base shall not be considered for ratemaking purposes.

(d) Except for reasonable charitable deductions and interest related to customer deposits, nonoperating income and expenses and taxes (Accounts 7300-7450) and interest and related items (Accounts 7500-7540) and extraordinary items (Accounts 7600-7640) shall not be included unless this Commission specifically determines that particular items recorded in those accounts shall be included.

[53 FR 1029, Jan. 15, 1988]

Subpart D—Interexchange Carriers

§ 65.500 Determination of comparable firms for carriers other than exchange carriers.

(a) Section 65.500 shall apply to those interstate communications common carriers, other than exchange carriers, that are so designated by Commission order.

(b) The formulae, methodologies, data, and calculations that are specified in §§ 65.300-65.304, shall be utilized for calculating the cost of capital weights, and the weighted costs of capital of all firms that are identified as set forth in §§ 65.500 (c) and (d). For each comparable firm determined pursuant to § 65.500 (c) and (d), a weighted average cost of capital shall be calculated as specified in §§ 65.300 and 65.304, and an average of all firms thus determined shall be computed.

(c) Comparable firms shall be chosen from those firms that meet the conjunctive requirements that are specified in § 65.400(a), that also:

(1) Have a rating on one or more of debt issues as the Commission shall provide by Order;

(2) Have coefficients of variation of net revenues as the Commission shall provide by Order;

(3) Have coefficients of variation of expenses as the Commission shall provide by Order;

(d) By Order, the Commission may specify a measure of net income volatility in lieu of, or in addition to, the measurements that are to be specified pursuant to § 65.500 paragraphs (c) (2) and (3).

§ 65.510 Net income.

The net income methodology specified in § 65.450 shall be utilized by all interexchange carriers subject to § 65.500.

[53 FR 1029, Jan. 15, 1988]

Subpart E—Rate of Return Reports

§ 65.600 Rate of return reports.

(a) Subpart E shall apply to those interstate communications common carriers and exchange carriers that are so designated by Commission order.

(b) Each exchange carrier or group of carriers which has filed individual access tariffs during the preceding enforcement period shall file with the Commission, within three (3) months after the end of each calendar quarter, a quarterly rate of return monitoring report. Each report shall contain two parts. The first part shall contain rate of return information on a cumulative basis from the start of the enforcement period through the end of the quarter being reported. The second part shall contain similar information for the most recent quarter. The final quarterly monitoring report for the entire enforcement period shall be considered the enforcement period report. Reports shall be filed on the appropriate report form prescribed by the Commission (see § 1.795 of this chapter) and shall provide full and specific answers to all questions propounded and information requested in the currently effective report form. The number of copies to be filed shall be specified in the applicable report form. At least one copy of the report shall be signed on the signature page by the responsible officer. A copy of each report shall be retained in the principal office of the respondent and shall be filed in such manner as to be readily available for reference and inspection. Final adjustments to the enforcement period report shall be made by September 30 of the year following the enforcement period to ensure the any refunds can be properly reflected in an annual access filing.

(c) Each interexchange carrier subject to §§ 61.41 through 61.49 shall file with the Commission, within three (3) months after the end of each calendar year, the total interstate rate of return for that year for all interstate services subject to regulation by the Commission. Each such filing shall include a report of the total revenues, total expenses and taxes, operating income, and the rate base. A copy of the filing shall be retained in the principal office of the respondent and shall be filed in such manner as to be readily available for reference and inspection.

[52 FR 274, Jan. 5, 1987, as amended at 54 FR 19844, May 8, 1989]

Subpart F—Maximum Allowable Rates of Return

SOURCE: 51 FR 11034, Apr. 1, 1986, unless otherwise noted.

§ 65.700 Determining the maximum allowable rate of return.

(a) The maximum allowable rate of return for any exchange carrier's earnings on any access service category shall be determined by adding a fixed increment of four-tenths of one percent of the exchange carrier prescribed rate of return.

(b) The maximum allowable rate of return for any exchange carrier's overall interstate earnings for all access service categories shall be determined by adding a fixed increment of one-quarter of one percent to the exchange carrier prescribed rate of return.

(c) The maximum allowable rate of return for any dominant interexchange carrier that is subject to Interim Cost Allocation Manual shall be determined by adding a fixed increment of one-half of one percent to that interexchange carrier's prescribed rate of return. The maximum allowable rate of return shall apply to each Interim Cost Allocation Manual category.

§ 65.701 Period of review.

(a) For both exchange and interexchange carriers subject to this part, interstate earnings shall be measured over a two year period to determine compliance with the maximum allowable rate of return. The review periods shall commence on January 1 in odd-numbered years and shall end on December 31 in even-numbered years.

(b) Notwithstanding other provisions in this subpart, the initial exchange carrier period of review under this part shall commence on October 1, 1985 and shall end on December 31, 1986. For purposes of the exchange carrier initial review period, the maximum allowable rate of return on overall interstate earnings shall be 13.1 percent, and the maximum allowable rate of return for any access service category shall be 13.25 percent.

(c) Notwithstanding other provisions in this subpart, the final period of review for any dominant interexchange carrier subject to price cap regulation (as defined in § 61.3(v)) shall end on June 30, 1989.

[51 FR 11034, Apr. 1, 1986, as amended at 54 FR 19844, May 8, 1989]

§ 65.702 Measurement of interstate services earnings.

(a) For dominant interexchange carriers subject to this part, earnings shall be measured separately for each Interim Cost Allocation Manual service category for purposes of determining compliance with the maximum allowable rate of return.

(b) For exchange carriers, earnings shall be measured separately for each access service category for purposes of determining compliance with the maximum allowable rate of return. The access service categories shall be: Special Access, § 69.113; Common Line, §§ 69.104-69.105; and an aggregated category consisting of Line Termination, § 69.106, Intercept, § 69.108, Local Switching, § 69.107, Transport, §§ 69.111-69.112, and Information, § 69.109. The Billing and Collection access element shall not be included in any access service category for purposes of this part. The Commission will also separately review exchange carrier overall interstate earnings subject to this part for determining compliance with the maximum allowable

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rate of return determined by § 65.700(b).

(c) For exchange carriers, earnings shall be measured for purposes of determining compliance with the maximum allowable rates of return separately for each study area; provided, however, that if the carrier has filed or concurred in access tariffs aggregating costs and rates for two or more study areas, the earnings will be determined for the aggregated study areas rather than for each study area separately. If an exchange carrier has not utilized the same level of study area aggregation during the entire two-year earnings review period, then the carrier's earnings will be measured for the entire two-year period on the basis of the tariffs in effect at the end of the second year of the two-year review period; provided, however, that if tariffs representing a higher level of study area aggregation were not in effect for at least eight months in the second year, then the carrier's earnings will be measured on the basis of the study area level of aggregation in effect for the majority of the two-year period; provided further, that any carrier that was not a member of the National Exchange Carrier Association or other voluntary pools for both years of the two-year review period will have its earnings reviewed individually for the full two-year period.

§ 65.703 Refunds.

(a) For carriers not subject to §§ 61.41 through 61.49, refunds shall be effected automatically if a carrier's earnings for any category of services, as set forth in § 65.702, exceed the maximum allowable rate of return. In determining whether a carrier's earnings exceed the maximum allowable rate of return, the reports filed by a carrier shall be deemed conclusively binding on the carrier.

(b) Notwithstanding § 69.2(b), refunds shall be effected by subsequent period reductions in the carrier's revenue requirements for the access elements that earned in excess of the maximum allowable rate of return; provided, however, that a carrier may, at its option, make payments directly to the customers responsible for the overearnings as a means of providing
refunds. A carrier making refunds d
rectly to customers shall distribute th
refund to each customer in proportio
to the revenues for that category pai
by each customer during the revie
period.

(c) The base amount of the refun
shall be computed for interexchan
service categories or Special Access
Common Line service categories by d
termining the dollar amount of rev
nues that resulted in earnings that e
ceeded the carriers' average net inve
ment during the review period mul
plied by the maximum allowable ra
of return. In addition, the amount
the refund shall include interest co
puted by multiplying the maximum
lowable rate of return, expressed as
annual interest rate, times the b
amount of the refund, for the per
beginning on January 1 of the y
after the end of the earnings revi
period in which the carrier ov
earned, and ending at the midpoint
the period in which the tariff refl
ing the reduced revenue requirem
is scheduled to be in effect; provid
however, that if a carrier elects
make a refund directly to custom
the interest shall accrue only u
payment is made to the customer.

(d) The amount of the refund s
be computed for the exchange c
er's overall earnings or for
Switched Traffic Sensitive cate
using the methodology specified
§ 65.703(c), except that the
amount of the refund shall be de
mined by computing the proportio
dollar reductions for each subcate
earning in excess of the maximu
lowable rate of return, that whe
funded, are sufficient to bring
earnings of the category as a w
down to the maximum allowable
of return.

(e) For exchange carriers, tariff
flecting the revenue requiremen
ductions effectuating the refund
be filed by the carrier to become e
tive no later than January 1 of
year following the submission of
final report for the earning re
period.

(f) For interexchange carriers
ject to this Part, but not subje
§§ 61.41 through 61.49, tariffs re
ing the revenue requirement r

tions effectuating the refund shall be filed on 45 days' notice on later than 60 days after submission of the final report for the earnings review period.

(g) For carriers subject to §§ 61.41 through 61.49, refund obligations incurred prior to the date their tariffs filed pursuant to §§ 61.41 through 61.49 take effect for the first time, shall be effectuated by an adjustment to the applicable Actual Price Index, Service Band Index, and Price Cap Index (as defined in § 61.3). Carriers making an adjustment to effectuate any outstanding refund requirements from the final enforcement period shall make such adjustments no later than during the next scheduled annual price cap adjustment tariff filing following the submission of the final enforcement report. The adjustment shall be designed to complete the required refund within 12 months, following which the Actual Price Index, the Service Band Index, or the Price Cap Index shall be adjusted to remove the effect of the adjustment.

[51 FR 11034, Apr. 1, 1986, as amended at 54 FR 19844, May 8, 1989]

Subpart G—Rate Base

SOURCE: 53 FR 1029, Jan. 15, 1988, unless otherwise noted.

§ 65.800 Rate base.

The rate base shall consist of the interstate portion of the accounts listed in § 65.820 that has been invested in plant used and useful in the efficient provision of interstate telecommunications services regulated by this Commission, minus any deducted items computed in accordance with § 65.830.

§ 65.810 Definitions.

As used in this subpart "account xxxx" means the account of that number kept in accordance with the Uniform System of Accounts for Class A and Class B Telecommunications Companies in 47 CFR Part 32.

§ 65.820 Included items.

(a) *Telecommunications Plant.* The interstate portion of all assets summarized in Account 2001 (Telecommunications Plant in Service) and Account 2002 (Property Held for Future Use), net of accumulated depreciation and amortization, and Account 2003 (Telecommunications Plant Under Construction-Short Term), and, to the extent such inclusions are allowed by this Commission, Account 2005 (Telecommunications Plant Adjustment), net of accumulated amortization.

(b) *Material and Supplies.* The interstate portion of assets summarized in Account 1220.1 (Material and Supplies).

(c) *Noncurrent Assets.* The interstate portion of Class B Rural Telephone Bank stock contained in Account 1402 (Investment in Nonaffiliated Companies) and the interstate portion of assets summarized in Account 1410 (Other Noncurrent Assets), Account 1438 (Deferred Maintenance and Retirements), and Account 1439 (Deferred Charges) only to the extent that they have been specifically approved by this Commission for inclusion. Otherwise, the amounts in accounts 1401-1500 shall not be included.

(d) *Cash Working Capital.* The average amount of investor-supplied capital needed to provide funds for a carrier's day-to-day interstate operations. Class A carriers may calculate a cash working capital allowance either by performing a lead-lag study of interstate revenue and expense items or by using the formula set forth in paragraph (e) of this section. Class B carriers, in lieu of performing a lead-lag study or using the formula in paragraph (e) of this section, may calculate the cash working capital allowance using a standard allowance which will be established annually by the Chief, Common Carrier Bureau. When either the lead-lag study or formula method is used to calculate cash working capital, the amount calculated under the study or formula may be increased by minimum bank balances and working cash advances to determine the cash working capital allowance. Once a carrier has selected a method of determining its cash working capital allowance, it shall not change to an optional method from one year to the next without Commission approval.

(e) In lieu of a full lead-lag study, carriers may calculate the cash working capital allowance using the following formula.

(1) Compute the weighted average revenue lag days as follows:

(i) Multiply the average revenue lag days for interstate revenues billed in arrears by the percentage of interstate revenues billed in arrears.

(ii) Multiply the average revenue lag days for interstate revenues billed in advance by the percentage of interstate revenues billed in advance. (Note: a revenue lead should be shown as a negative lag.)

(iii) Add the results of paragraphs (e)(1) (i) and (ii) of this section to determine the weighted average revenue lag days.

(2) Compute the weighted average expense lag days as follows:

(i) Multiply the average lag days for interstate expenses (*i.e.*, cash operating expenses plus interest) paid in arrears by the percentage of interstate expenses paid in arrears.

(ii) Multiply the average lag days for interstate expenses paid in advance by the percentage of interstate expenses paid in advance. (Note: an expense lead should be shown as a negative lag.)

(iii) Add the results of paragraphs (e)(2) (i) and (ii) of this section to determine the weighted average expense lag days.

(3) Compute the weighted net lag days by deducting the weighted average expense lag days from the weighted average revenue lag days.

(4) Compute the percentage of a year represented by the weighted net lag days by dividing the days computed in paragraph (e)(3) of this section by 365 days.

(5) Compute the cash working capital allowance by multiplying the interstate cash operating expenses (*i.e.*, operating expenses minus depreciation and amortization) plus interest by the percentage computed in paragraph (e)(4) of this section.

[54 FR 9048, Mar. 3, 1989]

§ 65.830 Deducted items.

(a) The following items shall be deducted from the interstate rate base.

(1) The interstate portion of deferred taxes (Accounts 4100 and 4340).

(2) The interstate portion of customer deposits (Account 4040).

(3) The interstate portion of unfunded accrued pension costs (Account 4310).

(4) The interstate portion of other deferred credits (Account 4360) to the extent they arise from the provision of regulated telecommunications services. This shall include deferred gains related to sale-leaseback arrangements.

(b) The interstate portion of deferred taxes, customer deposits and other deferred credits shall be determined as prescribed by 47 CFR Part 36.

(c) The interstate portion of unfunded accrued pension costs shall bear the same proportionate relationship as the interstate/intrastate expenses which give rise to the liability.

[54 FR 9049, Mar. 3, 1989]

PART 66—APPLICATIONS RELATING TO CONSOLIDATION, ACQUISITION, OR CONTROL OF TELEPHONE COMPANIES

Sec.
66.11 Contents of applications.
66.12 Supporting data and exhibits required with the application.
66.13 Publication and posting of notices.
66.14 General provisions.
66.15 Procedure.

Authority: Sec. 4, 48 Stat. 1066, amended: 47 U.S.C. 154.

Source: 28 FR 13242, Dec. 5, 1963, unle otherwise noted.

§ 66.11 Contents of applications.

Applications under section 221(shall contain the following inform tion:

(a) The exact name and address each applicant and of each vendor;

(b) The Government, State, or Ter tory, under the laws of which ea corporate applicant and each venc was organized;

(c) The name, title and post off address of the person to whom cor spondence in regard to the applicat should be addressed;

(d) A statement as to whether each applicant and each vendor is a carrier subject to the act and what change or changes in status will result from the proposed transaction;

(e) The manner in which the properties, or control, will be acquired and the consideration, in money and otherwise, to be paid by each applicant, together with a statement justifying the proposed purchase price;

(f) In a proposed consolidation or merger, the name of the company resulting therefrom, the capitalization proposed therefor, and the amount and class of capital stock and other securities proposed to be issued;

(g) Statement of action of the stockholders or directors of each applicant and each vendor approving the proposed transaction, giving date and place of each meeting;

(h) With respect to the property being acquired, a reasonable approximation of the principal plant items being acquired, such as:

(1) Number of poles;

(2) Miles of aerial wire;

(3) Miles of cable by size and type (e.g.—aerial);

(4) Number of telephones;

(5) Type and number of switchboards;

(6) Land and buildings;

(7) Vehicles;

(8) Other property;

(i) Specific information with respect to the proposed acquisition, consolidation or control, including but not limited to the following:

(1) The type of service currently being provided and the number of subscribers by classes of service;

(2) The quality of the service currently being provided;

(3) The adequacy of the service currently being provided;

(4) The condition of the plant;

(5) Criticisms regarding existing services;

(j) Facts as to any intercorporate relations through holding companies ownership of securities or otherwise, between the parties to the transaction;

(k) Statement as to whether applicant has extended any financial aid to the vendor during the past five years;

(l) The extent to which the facilities to be acquired or controlled (by purchase, lease, or otherwise) parallel or are competitive with the facilities of the proposed purchaser or others;

(m) A statement as to whether the proposed transaction has been presented to the regulatory authority of each state in which the property is situated, and, if so, the status thereof;

(n) With respect to the full-time employees employed in the exchange area or exchange areas served by properties proposed to be acquired, a complete statement describing the manner by which the respective labor forces will be integrated or merged, and the treatment proposed to be accorded employees of the acquired company or companies by the acquiring company, with due regard to such matters as severance pay, if any, for employees discharged as a consequence of the transaction; accrued pension and benefit rights, if any; wages; location of employment; job assignments; seniority; and other conditions of employment;

(o) Specific reasons why the proposed transaction will be of advantage to the persons to whom service is to be rendered and in the public interest, such as:

(1) Improvements in exchange service;

(2) Improvements in toll service;

(3) Improvements in private line service;

(4) Provision of extended area service;

(5) Use of different techniques, such as, converstion from magneto to common battery or manual to dial operation;

(6) Elimination of held orders and provisions for future growth requirements;

(7) Resolution of service criticisms;

(8) Integration with the other operations of the applicant(s);

(9) The approximate time within which the improvements in paragraphs (o) (1) to (8) of this section will be realized;

(p) Any additional facts or reasons in support of the application.

§ 66.12 Supporting data and exhibits required with the application.

There shall be filed with and made a part of the original of each application under section 221(a) the following:

(a) One copy of the charter, articles of incorporation and the bylaws of each applicant, duly certified (such copies as are already on file with the Commission may be incorporated in the application by reference);

(b) In applications involving mergers or consolidations, one copy of resolutions of the stockholders or directors of each of the applicants approving the proposed transaction, such resolutions to be properly attested and accompanied by appropriate excerpts from the minutes, showing the number of votes cast for and against each such resolution;

(c) Map or sketch indicating the facilities of each telephone carrier in the area involved, and the location and ownership of exchange and toll properties before and after consummation of the proposed transaction;

(d) A recent balance sheet and an income statement of each party involved;

(e) A statement showing the original cost of the plant to be acquired and related reserve amounts with respect to the plant items to be acquired as shown on the books of the vendors, if available; estimated amounts shall be shown if actual amounts are not available and the purchase is in excess of $25,000;

(f) Description of the plant to be acquired which applicant expects to retire upon acquisition and the approximate date(s) thereof; estimated portion of total purchase price represented by such plant;

(g) Copy of any contract or contracts, exclusive of right-of-way and attachment contracts and traffic agreements, entered into between the parties to the transaction with respect to any of the telephone properties or service included in the proposed transaction;

(h) With respect to the full-time employees employed in the exchange area or exchange areas served by the properties proposed to be acquired, consolidated, or merged, a table showing for each such employee, by name, job classification, length of service, wage rate and location of employment; except that where twenty-five or more full-time employees are employed in any exchange area served by the properties to be acquired, consolidated or merged with another exchange area or exchange areas, such information with respect to those employees may be given on a group basis by job classification;

(i) Copies of any pension or benefit plans which are referred to in the statements supplied pursuant to § 66.11(n);

(j) Classes of service currently rendered through the property to be acquired and rates therefor;

(k) Classes of service which applicant proposes to provide and rates therefor, if known; if not known, then estimated, in the following:

(1) Immediately upon acquisition;

(2) After completion of any planned rehabilitation of plant or conversion to dial.

(l) A copy of the action of any regulatory body, referred to in § 66.11(m).

§ 66.13 Publication and posting of notices.

(a) Immediately upon the filing of an application under this section the applicant shall post a public notice at least fifteen inches (15") by eighteen inches (18"), with letters of commensurate size, in a conspicuous place at each office where the subscribers, served by the property to be acquired, customarily transact telephone company business, or in lieu thereof, at a conspicuous place in the city(ies) or town(s) in and around which the property is located, for at least thirty (30) days, which notice shall contain the following information as may be applicable:

(1) Date of first posting of notice;

(2) Name of applicant;

(3) A statement that application has been filed with the Federal Communications Commission;

(4) A general description of the areas wherein the property to be acquired, merged or consolidated, for which the certificate is being sought, is located;

(5) A statement that any member of the public desiring to protest or sup-

port the application may communicate in writing with the Federal Communications Commission, Washington, DC 20554, on or before a specified date which shall be forty (40) days from the date of first posting of the notice.

(b) Immediately upon the filing of an application of the nature described in paragraph (a) of this section, the applicant shall also cause to be published a notice of not less than four (4) column inches in size containing information listed in paragraphs (a)(1) through (5) of this section at least once during each of two consecutive weeks, in some newspaper or newspapers of general circulation in the community or communities to be affected, or in lieu of causing a notice to be published, the applicant shall have the alternative of mailing or delivering by messenger a notification containing information similar to that specified in paragraphs (a)(1) through (5) of this section, to each subscriber of telephone service in the areas affected.

(c) When the posting, publication or notification as required in paragraphs (a) and (b) of this section shall have been completed, applicant shall report such fact to the Commission, stating the name of the newspaper in which publication was made, and the dates of posting, publication or notification.

§ 66.14 General provisions.

(a) *Place of filing applications; copies required; fees.* The original and five copies of the application shall be submitted to the Commission's office at Washington, DC 20554. Each application shall be accompanied by the fee prescribed in Subpart G of Part 1 of this chapter.

(b) *Additional information.* The applicant shall furnish any additional information which the Commission may require after a preliminary examination of the application.

(c) *Form.* Applications under section 221(a) of the Communications Act shall be submitted on paper not more than 8½ inches wide and not more than 14 inches long, with a left hand-margin of at least 1½ inches. This requirement shall not apply to original documents or admissible copies thereof, offered as exhibits or to specially prepared exhibits. The impression shall be on one side of the paper only and shall be double-spaced, except that long quotations may be single-spaced and indented. All papers, except charts and maps, shall be typewritten or prepared by mechanical processing methods, other than letter press, or printed. The foregoing shall not apply to official publications. All copies must be clearly legible.

[28 FR 13242, Dec. 5, 1963, as amended at 30 FR 14808, Nov. 30, 1965]

§ 66.15 Procedure.

A public hearing is held with respect to such applications where a request therefor is made by a telephone company, an association of telephone companies, a State Commission or local governmental authority, or in such other cases as the Commission may determine. Requests for public hearing must be filed within forty (40) days from the date that the applicant first posts public notice of the filing of the application as required by § 66.13. Where a public hearing is to be held, reasonable notice thereof is given by the Commission to the Governor of each State in which the physical property affected, or any part thereof, is situated, and to the State Commission having jurisdiction over the telephone companies and to such other parties as the Commission may deem advisable.

PART 68—CONNECTION OF TERMINAL EQUIPMENT TO THE TELEPHONE NETWORK

Subpart A—General

Sec.

68.1 Purpose.
68.2 Scope.
68.3 Definitions.
68.4 Hearing aid-compatible telephones.
68.5 Waivers.

Subpart B—Conditions on Use of Terminal Equipment

68.100 General.
68.102 Registration requirement.
68.104 Means of connection.
68.106 Notification to telephone company.
68.108 Incidence of harm.

Sec.
68.110 Compatibility of the telephone network and terminal equipment.
68.112 Hearing aid-compatibility.

Subpart C—Registration Procedures

68.200 Application for equipment registration.
68.202 Public notice.
68.204 Comments and replies.
68.206 Grant of application.
68.208 Dismissal and return of application.
68.210 Denial of application.
68.212 Assignment of equipment registration.
68.213 Installation of other than "fully protected" non-system simple customer premises wiring.
68.214 Changes in registered equipment and circuitry.
68.215 Installation of other than "fully-protected" system premises wiring.
68.216 Repair of registered terminal equipment and registered protective circuitry.
68.218 Responsibility of grantee of equipment registration.
68.220 Cross reference.
68.222 AIOD trunk and station number verification.
68.224 Notice of non-hearing aid compatibility.
68.226 Registration of digital systems components.

Subpart D—Conditions for Registration

68.300 Labelling requirements.
68.302 Environment simulation.
68.304 Leakage current limitations.
68.306 Hazardous voltage limitations.
68.308 Signal power limitations.
68.310 Longitudinal balance limitations.
68.312 On-hook impedance limitations.
68.314 Billing protection.
68.316 Hearing aid compatibility: technical standards.
68.318 Additional limitations.

Subpart E—Complaint Procedures

68.400 Content.
68.402 Amended complaints.
68.404 Number of copies.
68.406 Service.
68.408 Answers to complaints and amended complaints.
68.410 Replies to answers or amended answers.
68.412 Defective pleadings.
68.414 Hearing aid-compatibility: enforcement.

Subpart F—Connectors

68.500 Specifications.
68.502 Configurations.
Sec.
68.504 Universal patent license agreement.
68.506 Configurations used to connect multi-line communications systems such as Private Branch Exchange (PBX) and key telephone systems.

AUTHORITY: Secs. 4, 201, 202, 203, 204, 205, 208, 215, 218, 313, 314, 403, 404, 410, 602, 48 Stat. as amended, 1066, 1070, 1071, 1072, 1073, 1076, 1077, 1087, 1094, 1098, 1102; 47 U.S.C. 154, 201, 202, 203, 204, 205, 208, 215, 218, 313, 314, 403, 404, 410, 602, unless otherwise noted.

SOURCE: 40 FR 53022, Nov. 14, 1975, unless otherwise noted.

Subpart A—General

AUTHORITY: Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; (47 U.S.C. 154, 155, 303).

SOURCE: 45 FR 20841, Mar. 31, 1980, unless otherwise noted.

§ 68.1 Purpose.

The purpose of the rules and regulations in this part is to provide for uniform standards for the protection of the telephone network from harms caused by the connection of terminal equipment and associated wiring thereto, and for the compatibility of hearing aids and telephones so as to ensure that persons with hearing aids have reasonable access to the telephone network.

(47 U.S.C. 151, 154(i), 154(j), 201-205, 218, 220, 313, 403, 412, and 5 U.S.C. 553)

[49 FR 21733, May 23, 1984]

§ 68.2 Scope.

(a) *General.* Except as provided for in paragraphs (b), (c) , (d), (e), and (f), the rules and regulations in this part apply to the direct connection:

(1) Of all terminal equipment to the public switched telephone network, for use in conjunction with all services other than party line service and coin service;

(2) Of all terminal equipment to channels furnished in connection with foreign exchange lines (customer-premises end), the station end of off-premises stations associated with PBX and Centrex services, trunk-to-station tie lines (trunk end only) and switched service network station lines (CCSA and EPSCS); and

(3) Of all of PBX (or similar) systems to private line services for tie trunk type interfaces, off-premises station lines, automatic identified outward dialing, and message registration. Services may only be added to this section as a result of rulemaking proceedings and the equipment connected to such added services is afforded a reasonable transition period.

(4) Of all customer premises wiring associated with one and two-line (nonsystem) residential and business telephone service.

(5) Of all terminal equipment to subrate and 1.544 Mbps digital services.

(6) Of registered terminal equipment or registered protective circuitry to Local Area Data Channels and to channels which are similar to Local Area Data Channels that are obtained as special assemblies.

(7) Of all terminal equipment or systems to voiceband private line channels for 2-point and multipoint private line services (excluding those identified in Category II, AT&T Tariff F.C.C. No. 260 or subsequent revisions) that utilize loop start, ringdown or inband signaling; or voiceband metallic channels.

(8) Of the types of test equipment specified in § 68.3, Definitions.

(b) *Grandfathered terminal equipment (other than PBX and key telephone systems) and protective circuitry.* All terminal equipment (other than PBX and key telephone systems) and protective circuitry of a type directly connected to the public switched telephone network and services identified n § 68.2(a)(2) as of October 17, 1977, may be connected thereafter up to July 1, 1979—and may remain connected for life—without registration unless subsequently modified.

(c) *Grandfathered systems (including, but not limited to, PBX and key elephone systems):*

(1) Entire systems, including their equipment, premises wiring, and proective apparatus (if any) directly connected to the public switched telephone network and services identified n § 68.2(a)(2) on June 1, 1978, may emain connected to the public witched telephone network and servces identified in § 68.2(a)(2) for life without registration, unless subsequently modified, except for modifications allowed under § 68.2(c)(3).

(2) New installations of equipments may be performed (including additions to existing systems) up to January 1, 1980 without registration of any equipments involved, provided that these equipments are of a type directly connected to the public switched telephone network or services identified in § 68.2(a)(2) as of June 1, 1978. These equipments may remain connected to the public switched telephone network or services identified in § 68.2(a)(2) for life without registration, unless subsequently modified, except for modifications allowed under § 68.2(c)(3).

(3) Modifications to systems and installations involving unregistered equipment:

(i) Use of other than fully-protected premises wiring is a modification under § 68.2. As an exception to the general requirement that no modification is permitted to unregistered equipment whose use is permitted under § 68.2, certain modifications are authorized herein.

(ii) Other than fully-protected premises wiring may be used if it is qualified in accordance with the procedures and requirements of § 68.215. Since there is no "registrant" of unregistered equipment, the training and authority required by § 68.215(c) will have to be received from the equipment's manufacturer.

(iii) Existing separate, identifiable and discrete protective apparatus may be removed, or replaced with apparatus of lesser protective function, provided that any premises wiring to which the public switched telephone network or service identified in § 68.2(a)(2) is thereby exposed conforms to § 68.2(c)(2) above. Minor modifications to existing unregistered equipments are authorized to facilitate installation or premises wiring, so long as they are performed under the responsible supervision and control of a person who complies with § 68.215(c). Since there is no "registrant" of unregistered equipment, the training and authority required by § 68.215(c) will have to be received from the manufacturer of the equipment so modified.

(d) *Grandfathered private branch exchange (or similar) systems for connection to private line type services (tie trunk type interfaces, off-premises station lines, automatic identified outward dialing, and message registration):*

(1) PBX (or similar) systems, including their equipments, premises wiring, and protective apparatus (if any) directly connected to a private line type service on April 30, 1980 may remain connected to the private line type service for life without registration unless subsequently modified, except for modifications allowed under § 68.2(d)(3).

(2) New installations of equipments may be performed (including additions to existing systems) up to May 1, 1983 without registration of any equipments involved, provided that these equipments are of a type directly connected to a private line type service as of April 30, 1980. These equipments may remain connected to the private line type service for life without registration, unless subsequently modified, except for modifications allowed under § 68.2(d)(3).

(3) Modifications to systems and installations involving unregistered equipment:

(i) Use of other than fully-protected premises wiring is a modification under § 68.2. As an exception to the general requirement that no modification is permitted to unregistered equipment whose use is permitted under § 68.2, certain modifications are authorized herein.

(ii) Other than fully-protected premises wiring may be used if it is qualified in accordance with the procedures and requirements of § 68.215. Since there is no "registrant" of unregistered equipment, the training and authority required by § 68.215(c) will have to be received from the equipment's manufacturer.

(iii) Existing separate, identifiable and discrete protective apparatus may be removed, or replaced with apparatus of lesser protective function, provided that any premises wiring to which the private line type service is thereby exposed conforms to § 68.2(d)(ii) above. Minor modifications to existing unregistered equipments are authorized to facilitate installation or premises wiring, so long as they are performed under the responsible supervision and control of a person who complies with § 68.215(c). Since there is no "registrant" of unregistered equipment, the training and authority required by § 68.215(c) will have to be received from the manufacturer of the equipment so modified.

(e) *Grandfathered terminal equipment for connection to local area data channels.* All terminal equipment of a type directly connected to Local Area Data Channels or directly connected under special assembly tariff provisions to telephone company-supplied, non-loaded, metallic, greater-than-voiceband circuits for the purpose of providing limited distance data transmission as of February 10, 1986, may be connected thereafter up to August, 10, 1987, and may remain connected for life, without registration unless subsequently modified.

(f) *Grandfathered terminal equipment for connection to subrate and 1.544 Mbps digital services:*

(1) Terminal equipment including premises wiring and protective apparatus (if any) directly connected to subrate or to 1.544 Mbps digital services on January 2, 1986 may remain connected and be reconnected to such digital services for life without registration, unless subsequently modified.

(2) New installations of terminal equipments, including premises wiring and protective apparatus (if any) may be installed (including additions to existing systems) up to June 30, 1987, without registration of any terminal equipment involved, provided that these terminal equipments are of a type directly connected to subrate or 1.544 Mbps digital services as of January 2, 1986. These terminal equipments may remain connected and be reconnected to such digital services for life without registration, unless subsequently modified.

(g) *Grandfathered test equipment:*

(1) Test equipment directly connected to the telephone network on February 10, 1986, is considered to be grandfathered and may remain connected to the telephone network for life without registration unless subsequently modified.

(2) New installations of test equipment may be performed up to August 10, 1987 without registration, provided that the test equipment is of a type directly connected to the public switched network or services identified in § 68.2(a)(1), (2), (3), (5), (6), and (7) for life without registration unless subsequently modified.

(h) *Grandfathered terminal equipment or systems for connection to voiceband private line channels for 2-point and multipoint private line services that utilize loop start, ringdown, or inband signaling; or voiceband metallic channels*:

(1) Terminal equipment or systems, including premises wiring and protective apparatus (if any), directly connected to voiceband private lines for 2-point or multipoint service on February 10, 1986, may remain connected to that private line type service for life without registration unless subsequently modified, except for modifications allowed under § 68.2(h)(3).

(2) New installations of equipments may be installed (including additions to existing systems) up to August 10, 1987 without registration of any equipments involved, provided that these equipments are of a type directly connected to voiceband private lines for 2-point or multipoint services. These equipments may remain connected to the private line-type service for life without registration, unless subsequently modified, except for modifications allowed under § 68.2(h)(3).

(3) Modification to systems and installations involving unregistered equipment:

(i) Use of other than fully-protected premises wiring is a modification under § 68.2. As an exception to the general requirements that no modification is permitted to unregistered equipment whose use is permitted under § 68.2, certain modifications are authorized herein.

(ii) Other than fully-protected premises wiring may be used if it is qualified in accordance with procedures and requirements of § 68.215. Since there is no "registrant" of unregistered equipment, the training and authority required by § 68.215(c) will have to be received from the equipment's manufacturer.

(iii) Existing separate, identifiable, and discrete protective apparatus may be removed or replaced with apparatus of lesser protective function, provided that any premises wiring to which the private line service is thereby exposed conforms to § 68.2(h)(3)(ii) of this section. Minor modifications to existing unregistered equipments are authorized to facilitate installation of premises wiring, so long as they are performed under the responsible supervision and control of a person who complies with § 68.215(c). Since there is no "registrant" of unregistered equipment, the training and authority required by § 68.215(c) will have to be received from the manufacturer of the equipment so modified.

(i) *National defense and security.* Where the Secretary of Defense or authorized agent or the head of any other governmental department, agency, or administration (approved in writing by the Commission to act pursuant to this rule) or authorized representative, certifies in writing to the appropriate common carrier that compliance with the provisions of Part 68 could result in the disclosure of communications equipment or security devices, locations, uses, personnel, or activity which would adversely affect the national defense and security, such equipment or security devices may be connected to the telephone company provided communications network without compliance with this part, provided that each written certification states that:

(1) The connection is required in the interest of national defense and security;

(2) The equipment or device to be connected either complies with the technical requirement of this part or will not cause harm to the nationwide telephone network or telephone company employees; and

(3) The installation is performed by well-trained, qualified employees under the responsible supervision and control of a person who meets the qualifications stated in § 68.215(c).

Governmental departments, agencies, or administrations that wish to qualify for interconnection of equipment or security devices pursuant to this section shall file a request with the Secretary of this Commission stating the reasons why the exemption is requested. A list of these departments, agencies, or administrations that have filed requests shall be published in the FEDERAL REGISTER. The Commission may take action with respect to those requests 30 days after publication. The Commission action shall be published in the FEDERAL REGISTER. However, the Commission may grant, on less than the normal notice period or without notice, special temporary authority, not to exceed 90 days, for governmental departments, agencies, or administrations that wish to qualify for interconnection of equipment or security devices pursuant to this section. Requests for such authority shall state the particular fact and circumstances why authority should be granted on less than the normal notice period or without notice. In such cases, the Commission shall endeavor to publish its disposition as promptly as possible in the FEDERAL REGISTER.

(Secs. 4, 5, 303, 48 Stat. 1066, 1068, 1082, as amended (47 U.S.C. 154, 155, 303) (47 U.S.C. 151, 154(i), 154(j), 201-205, 218, 220, 313, 403, 412, and 5 U.S.C. 553)

[40 FR 20841, Mar. 31, 1980, as amended at 49 FR 21734, May 23, 1984; 49 FR 48719, Dec. 14, 1984; 50 FR 48208, Nov. 22, 1985; 51 FR 937, Jan. 9, 1986; 51 FR 16689, May 6, 1986]

§ 68.3 Definitions.

As used in this part:

AIOD data channel simulator: A test circuit that simulates a telephone line during the idle and data-receiver-attached conditions of central office AIOD circuits. The schematic of Figure 68.3(g) is illustrative of the type of circuit that will be required; alternative implementations may be used provided that the same dc voltage and current characteristics and ac impedance characteristics will be presented to the AIOD equipment under test. When used, the simulator circuit shall be operated over the entire range of resistance, polarities and voltage limits indicated in Figure 68.3(g). Whenever dc current is changed, sufficient time shall be allocated for the current to reach a steady-state condition before continuing the test.

AIOD leads: Terminal equipmen
leads at the interface solely to trans-
mit Automatic Identified Outward Di
aling (AIOD) data from a PBX to th
public switched telephone network o
to switched service networks (e.
EPSCS) so that a telephone compan
can provide a PBX customer with
detailed monthly bill identifying lon
distance usage by individual PBX st
tions, tie trunks or the attendan
Data on the channel is transmitted
only one direction, from the PBX
the central office, and consists of
trunk number and a station numb
for each outgoing call. Two-way
simplex signaling, as defined for th
terminal equipment by the data cha
nel simulator circuit, is used to coord
nate the transmitting and receivi
functions. One or more pairs of AIO
leads, each designated T (AI) and
(AI) to distinguish them from oth
tip and ring leads, may appear at
interface, depending on the number
central offices that process AIOD ca
for the PBX. However, unless othe
wise stated, these leads at the inte
face should be treated as telepho
connections as defined in (x) of th
section or as tip and ring where t
term "telephone connection" is n
used.

Auxiliary leads: Terminal equipme
leads at the interface, other than te
phone connections and leads otherw
defined in these Rules, which le
are to be connected either to comm
equipment or to circuits extending
central office equipment.

Channel equipment: Equipment
the private line channel of the te
phone network that furnishes te
phone tip and ring, telphone tip 1 a
ring 1, and other auxiliary or super
sory signaling leads for connection
the private line channel interf
(where tip 1 and ring 1 is the rece
pair for 4-wire telephone connectio

Coin-implemented telephone: A te
phone containing all circuitry requi
to execute coin acceptance and rela
functions within the instrument it
and not requiring coin service sig
ing from the central office.

Coin service: Central office im
mented coin telephone service.

Companion terminal equipme
Companion terminal equipment rep

sents the terminal equipment that would be connected at the far end of a network facility and provides the range of operating conditions that the terminal equipment which is being registered would normally encounter.

Continuity leads: Terminal equipment continuity leads at the network interface designated CY1 and CY2 which are connected to a strap in a series jack configuration for the purpose of determining whether the plug associated with the terminal equipment is connected to the interface jack.

Demarcation point: The point of demarcation and/or interconnection between telephone company communications facilities and terminal equipment, protective apparatus or wiring at a subscriber's premises. Carrier-installed facilities at, or constituting, the demarcation point shall consist of wire or a jack conforming to subpart F of part 68 of the Commission's rules. "Premises" as used herein generally means a dwelling unit, other building or a legal unit of real property such as a lot on which a dwelling unit is located, as determined by the telephone company's reasonable and nondiscriminatory standard operating practices. The "minimum point of entry" as used herein shall be either the closest practicable point to where the wiring crosses a property line or the closest practicable point to where the wiring enters a multiunit building or buildings. The telephone company's reasonable and nondiscriminatory standard operating practices shall determine which shall apply. The telephone company is not precluded from establishing reasonable classifications of multiunit premises for purposes of determining which shall apply. Multiunit premises include, but are not limited to, residential, commercial, shopping center and campus situations.

(a) *Single unit installations.* For single unit installations existing as of August 13, 1990, and installations installed after that date the demarcation point shall be a point within twelve inches of the protector or, where there is no protector, within twelve inches of where the telephone wire enters the customer's premises.

(b) *Multiunit installations.* (1) In multiunit premises existing as of August 13, 1990, the demarcation point shall be determined in accordance with the local carrier's reasonable and nondiscriminatory standard operating practices. Provided, however, that where there are multiple demarcation points within the multiunit premises, a demarcation point for a customer shall not be further inside the customer's premises than a point twelve inches from where the wiring enters the customer's premises.

(2) In multiunit premises in which wiring is installed after August 13, 1990, including additions, modifications and rearrangements of wiring existing prior to that date, the telephone company may establish a reasonable and nondiscriminatory practice of placing the demarcation point at the minimum point of entry. If the telephone company does not elect to establish a practice of placing the demarcation point at the minimum point of entry, the multiunit premises owner shall determine the location of the demarcation point or points. The multiunit premises owner shall determine whether there shall be a single demarcation point location for all customers or separate such locations for each customer. Provided, however, that where there are multiple demarcation points within the multiunit premises, a demarcation point for a customer shall not be further inside the customer's premises than a point twelve inches from where the wiring enters the customer's premises.

Digital milliwatt: A digital signal that is the coded representation of a 0 dBm, 1000 Hertz sine wave.

Direct connection: Connection of terminal equipment to the telephone network by means other than acoustic and/or inductive coupling.

E&M leads: Terminal equipment leads at the interface, other than telephone connections and auxiliary leads, which are to be connected to channel equipment solely for the purpose of transferring supervisory signals conventionally known as Types I and II E&M and schematically shown in Figures 63.3(e)(i) and 68.3(a)(ii).

Encoded analog content: The analog signal contained in coded form within a digital signal.

Equivalent power: The power of the analog signal at the output of a zero level decoder, obtained when a digital signal is the input to the decoder.

Essential Telephones: Means only coin-operated telephones, telephones provided for emergency use, and other telephones frequently needed for use by persons using such hearing aids.

Harm: Electrical hazards to telephone company personnel, damage to telephone company equipment, malfunction of telephone company billing equipment, and degradation of service to persons other than the user of the subject terminal equipment, his calling or called party.

Inband signaling private line interface: The point of connection between an inband signaling voiceband private line and terminal equipment or systems where the signaling frequencies are within the voiceband. All tip and ring leads shall be treated as telephone connections for the purposes of fulfilling registration conditions.

Local area data channel (LADC) leads: Terminal equipment leads at the interface used to transmit and/or receive signals which may require greater-than-voiceband frequency spectrum over private line metallic channels designated Local Area Data Channels (LADC). These leads should be treated as "telephone connections" as defined in this section or as tip and ring connections where the term "telephone connection" is not used.

Local area data channel simulator circuit: A circuit for connection in lieu of a Local Area Data Channel to provide the appropriate impedance for signal power tests. The schematic of Figure 68.3(k) is illustrative of the type of circuit that will be required over the given frequency ranges. When used, the simulator shall be operated over the appropriate range of loop resistance for the equipment under test, under all voltages and polarities that the terminal under test and a connected companion unit are capable of providing.

Longitudinal voltage: One half of the vector sum of the potential difference between the tip connection and
earth ground, and the ring connec
and earth ground for the tip, ring
of 2-wire and 4-wire connections;
additionally for 4-wire telephone
nections, one half of the vector su
the potential difference between
tip 1 connection and earth ground
the ring 1 connection and e
ground for the tip 1, ring 1 pair (w
tip 1 and ring 1 are the receive pair

Loop simulator circuit. A cir
that simulates the network side of
wire or 4-wire telephone connec
during testing. The required cir
schematics are shown in Figure 68.
for 2-wire loop or ground start circ
Figure 68.3(b) for 2-wire reverse
tery circuits, Figure 68.3(c) for 4-
loop or ground start circuits, Fig
68.3(d) for 4-wire reverse battery
cuits, and Figure 68.3(j) for voiceb
metallic channels. Figure 68.3(i) is
alternative termination for use in
2-wire loop simulator circuits. Ot
implementations may be used pro
ed that the same dc voltage and
rent characteristics and ac impeda
characteristics will be presented to
equipment under test as are prese
in the illustrative schematic diagra
When used, the simulator shall be
erated over the entire range of loop
sistance as indicated in the figu
and with the indicated polarities
voltage limits. Whenever loop curr
is changed, sufficient time shall be
located for the current to reach
steady-state condition before conti
ing testing.

Make-busy leads: Terminal equ
ment leads at the network interf
designated MB and MB1. The MB l
is connected by the terminal equ
ment to the MB1 lead when the co
sponding telephone line is to be pla
in an unavailable or artificially b
condition.

Message register leads: Termi
equipment leads at the interface u
solely for receiving dc message regis
(MR) pulses from a central office a
PBX so that message unit informat
normally recorded at the central off
only is also recorded at the PBX. S
naling on the channel is by the ap
cation of battery and open conditio
applied at the central office. No ac s
naling is applied either by the PBX
by the central office. One or m

pairs of MR leads, each designated T (MR) and R (MR) may appear at an interface depending on the number of PBX-CO trunks (one MR channel per PBX-CO trunk). However, unless otherwise stated, these leads at the interface should be treated at telephone connections as defined in paragraph (x) of this section or as tip and ring where the term "telephone connection" is not used.

Message register signaling channel simulator: A circuit that simulates a telephone line (2-wire or single conductor) and a central office message register battery feed circuit used to convey message register information from the central office to a PBX. The schematic of Figure 68.3(h) is illustrative of the type of circuit that will be required; alternative implementation may be used provided that the same dc voltage and current characteristics and ac impedance characteristics will be presented to the message register equipment under test. When used, the simulator circuit shall be operated over the entire range of resistance and voltage values indicated in Figure 68.3(h). Whenever dc current is changed, sufficient time shall be allocated for the current to reach a steady-state condition before continuing the test.

Metallic voltage: The potential difference between the tip and ring connections for the tip, ring pair of 2-wire and 4-wire connections and additionally for 4-wire telephone connections, between the tip 1 and ring 1 connections for the tip 1, ring 1 pair (where tip 1 and ring 1 are the receive pair).

Multi-port equipment: Equipment that has more than one telephone connection with provisions internal to the equipment for establishing transmission paths among two or more telephone connections.

Network port: An equipment port of registered protective circuitry which port faces the telephone network.

Non-system premises wiring: Wiring which is used with one and two-line business and residence services, located at the subscriber's premises.

(a) *Fully protected non-system premises wiring.* Non-system premises wiring which is electrically behind registered (or grandfathered) equipment or protective circuitry which assures that electrical contact between the wiring and commercial power wiring or earth ground will not result in hazardous voltages at the telephone network interface.

(b) *Unprotected non-system premises wiring:* All other non-system premises wiring.

Off-premises line simulator circuit: A load impedance for connection, in lieu of an off-premises station line, to PBX (or similar) telephone system loop start circuits (Figure 68.3(f)) during testing. The schematic diagram of Figure 68.3(f) is illustrative of the type of circuit which will be required; alternative implementations may be used provided that the same dc voltage and current characteristics and ac impedance characteristics will be presented to the equipment under test as are presented in the illustrative schematic diagram. When used, the simulator shall be operated over the entire range of loop resistances as indicated in Figure 68.3(f), and with the indicated polarities. Whenever loop current is changed, sufficient time shall be allocated for the current to reach a steady-state condition before continuing testing.

Off-premises station interface: The point of connection between PBX telephone systems (or similar systems) and telephone company private line communication facilities used to access registered station equipment located off the premises. Equipment leads at this interface are limited to telephone tip and ring leads (designated T(OPS) and R(OPS)) where the PBX employs loop-start signaling at the interface. Unless otherwise noted, all T(OPS) and R(OPS) leads shall be treated as telephone connections for purposes of fulfilling registration conditions.

One-port equipment: Equipment which has either exactly one telephone connection, or a multiplicity of telephone connections arranged so that no transmission among such telephone connections, within the equipment, is intended.

Power connections: The connections between commercial power and any transformer, power supply rectifier, converter or other circuitry associated with registered terminal equipment or registered protective circuitry. The following are not power connections.

(a) Connections between registered terminal equipment or registered protective circuitry and sources of non-hazardous voltages (see § 68.306(b)(4) for a definition of non-hazardous voltages).

(b) Conductors which distribute any power within registered terminal equipment or within registered protective circuitry.

(c) Green wire ground (the grounded conductor of a commercial power circuit which is UL-identified by a continuous green color).

Private line channel: Telephone company dedicated facilities and channel equipment used in furnishing private line service from the telephone network for the exclusive use of a particular party or parties.

Private Radio Services: Means private land mobile radio services and other communications services characterized by the Commission in its rules as private radio services.

Public Mobile Services: Means air-to-ground radiotelephone services, cellular radio telecommunications services, offshore radio, rural radio service, public land mobile telephone service, and other common carrier radio communications services covered by Part 22 of Title 47 of the Code of Federal Regulations.

Registered protective circuitry: Separate, identifiable and discrete electrical circuitry designed to protect the telephone network from harm, which is registered in accordance with the rules and regulations in Subpart C of this part.

Registered terminal equipment: Terminal equipment which is registered in accordance with the rules and regulations in Subpart C of this part.

Ringdown private line interface: The point of connection between ringdown voiceband private line service and terminal equipment or systems which provide ringing (20 or 30 Hz) in either direction for alerting only. All tip and ring leads shall be treated as telephone connections for the purposes of fulfilling registration conditions. On 2-wire circuits the ringing voltage is applied to the ring conductor with the tip conductor grounded.
On 4-wire circuits the ringing vol
is simplexed on the tip and ring
ductors with ground simplexed on
tip (1) and ring (1) conductors.

Secure Telephones: Means
phones that are approved by
United States Government for
transmission of classified or sens
voice communications.

Specialty adapters: Adapters
contain passive components such a
sistive pads or bias resistors typi
used for connecting data equipn
having fixed-loss loop or program
data jack network connections to
systems or PBXs.

Subrate digital service: A di
service providing for the full-tim
multaneous two-way transmissio
digital signals at synchronous sp
of 2.4, 4.8, 9.6 or 56 kbps.

System premises wiring: Wi
which connects separately-ho
equipment entities or system co
nents to one another, or wiring w
connects an equipment entity
system component with the telep
network interface, located at the
tomer's premises and not withi
equipment housing.

(a) *Fully protected systems pre
wiring.* Premises wiring whic
either:

(1) No greater than 50 feet in le
(measured linearly between the p
where it leaves equipment or co
tor housings) and registered as a
ponent of and supplied to the
with the registered terminal e
ment or protective circuitry
which it is to be used. Such w
shall either be pre-connected to
equipment or circuitry, or may
connected by the user (or others)
is demonstrated in the registratio
plication that such connection by
untrained will not result in h
using relatively fail-safe means.

(2) A cord which complies with
previous subsection either as an
gral length or in combination wit
more than one connectorized e
sion cord. If used, the extension
must comply with the requiremen
§ 68.200(h) of these Rules.

(3) Wiring located in an equip
room with restricted access, pro
that this wiring remains expose
inspection and is not concealed o

bedded in the building's structure, and that it conforms to § 68.215(d).

(4) Electrically behind registered (or grandfathered) equipment, system components or protective circuitry which assure that electrical contact between the wiring and commercial power wiring or earth ground will not result in hazardous voltages or excessive longitudinal imbalance at the telephone network interface.

(b) *Protected system premises wiring requiring acceptance testing for imbalance.* Premises wiring which is electrically behind registered (or grandfathered) equipment, system components or circuitry which assure that electrical contact between the wiring and commercial power wiring will not result in hazardous voltages at the telephone network interface.

(c) *Unprotected system premises wiring.* All other premises wiring.

Telephone connection: Connection to telephone network tip and ring leads for 2-wire and 4-wire connections and, additionally, for 4-wire telephone connections, tip 1 and ring 1 leads and all connections derived from these leads. The term "derived" as used here means that the connections are not separated from telephone tip and ring or from telephone tip 1 and ring 1 by a sufficiently protective barrier. Part 68 Rules that apply specifically to telephone network tip and ring pairs shall also apply to telephone network tip 1 and ring 1 pairs unless otherwise specified. In 4-wire connections, leads designated tip and ring at the interface are for transmitting voice frequencies toward the network and leads designated tip 1 and ring 1 at the interface are for receiving voice frequencies from the network.

Telephone network: The public switched network and those private lines which are defined in § 68.2(a) (2) and (3).

Terminal port: An equipment port of registered protective circuitry which port faces remotely-located terminal equipment.

Test equipment. Equipment connected at the customer's premises that is used on the customer's side of the network interfaces: (a) to measure characteristics of the telephone network; or (b) to detect and/or isolate a communications fault between a terminal equipment entity and the telephone network. Registration is required for test equipment capable of functioning as temporary terminal equipment, such as portable traffic recorders or equipment capable of transmitting test tones, either as generators or responders.

Tie trunk transmission interfaces.

(a) 2-Wire: A 2-wire transmission interface with a path that is essentially lossless (except for 2dB switched pad operation, or equivalent) between the interface and the 2-wire or 4-wire, transmission reference point of the terminal equipment.

(b) 4-Wire lossless: A 4-wire transmission interface with a path that is essentially lossless (except for 2dB switched pad operation, or equivalent) between the interface and the 2-wire or 4-wire transmission reference point of the terminal equipment; and

(c) 4-Wire Conventional Terminating Set (CTS): A 4-wire interface with a path to the transmission reference point that has a conventional terminating set providing 2-wire to 4-wire conversion with approximately 4dB of loss and having no gain elements. This device's loss will be referred to as a "nominal" 4dB, but in no case is it allowed to be less than 3dB.

(d) Direct Digital Interface: An interface between a digital PBX and a digital transmission facility.

(e) Digital Tandem 4-Wire Interface: A 4-wire digital interface between digital terminal equipment and a digital transmission facility operating at 1.544 Mbps or subrate connecting terminal equipment that provide tandem connections.

(f) Digital Satellite 4-wire Interface: A 4-wire digital interface between digital terminal equipment and a digital transmission facility operating at 1.544 Mbps or subrate connecting terminal equipment that does not provide tandem connections to other digital terminal equipment.

Voiceband metallic private line channel interface: The point of connection between a voiceband metallic private line channel and terminal equipment or systems where the network does not provide any signaling or transmission enhancement. Registered terminal equipment or systems may use convenient signaling methods so long as the signals are provided in such a manner that they cannot interfere with adjacent network channels. All tip and ring leads shall be treated as telephone connections for the purpose of fulfilling registration conditions.

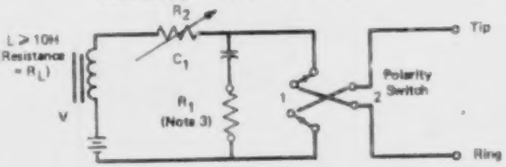
Zero level decoder: A decoder that yields an analog level of 0 dBm at its output when the input is the digital milliwatt signal. See Figure 68.3(j).

1.544 Mbps digital CO 4-wire interface: A 4-wire digital interface between digital terminal equipment and a digital transmission facility operating at 1.544 Mbps connecting to a serving central office.

1.544 Mbps digital service: A full-time dedicated private line circuit used for the transmission of digital signals at a speed of 1.544 Mbps.

LOOP SIMULATOR CIRCUITS

LOOP SIMULATOR FOR LOOP START AND GROUND START CIRCUITS

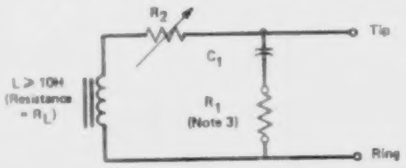


C_1 = 500 μFD, −10%, + 50%
R_1 = 600Ω ± 1%

Condition	V, Volts		Switch Position For Test	$R_2 + R_L$
	Min	Max		
1	42.5	52.5	Both	Continuously Variable Over 400 To 1740Ω
2	105		2	2000Ω

Figure 68.3(a)

LOOP SIMULATOR FOR REVERSE BATTERY CIRCUITS



C_1 = 500 μFD, −10% + 50%
R_1 = 600Ω ± 1%

$R_2 + R_L$
Continuously Variable Over 400 To 2450Ω

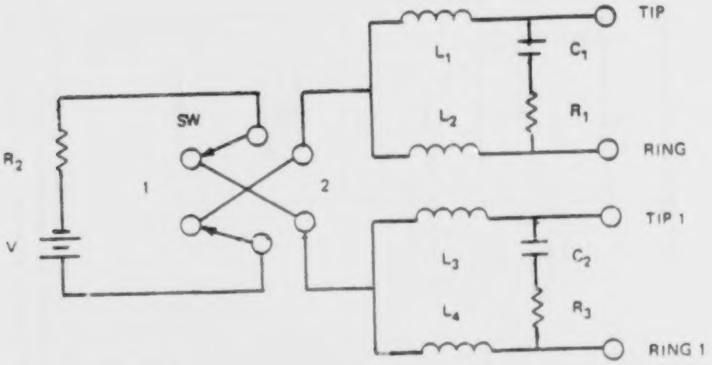
Figure 68.3(b)

NOTES:

1. Means shall be used to generate, at the point of tip and ring connections to the terminal equipment or protective circuitry, the parameters of dc line current and ac impedance which are generated by the illustrative circuits depicted above (as appropriate for the equipment under test).
2. In the Longitudinal Balance Limitations, Section 68.310, the use of the "dc portion of the loop simulator circuit" is specified. In such case, components R_1 and C_1 above should be removed.
3. Tests for compliance may be made with either R_1 = 600 ohms or R_1 replaced by the alternative termination shown in Figure 68.3(i).

Figure, 68.3 (a) And 68.3 (b)

LOOP SIMULATOR CIRCUIT FOR 4-WIRE LOOP START AND GROUND START


TIP
RING
TIP 1
RING 1
L_1
L_2
C_1
R_1
L_3
L_4
C_2
R_3
SW
R_2
V
1
2

SW = POLARITY SWITCH

$L_1 = L_2 = L_3 = L_4 > 5H$ (RESISTANCE = R_{L1}, R_{L2}, R_{L3}, R_{L4})

$R_1 = R_3 = 600$ OHMS, ± 1%

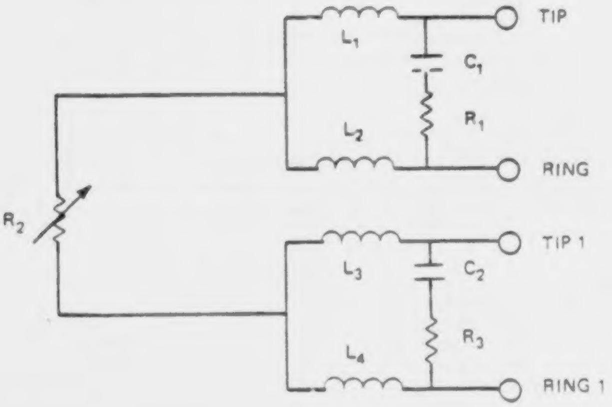
$C_1 = C_2 = 500\mu FD$, −10%, + 50%

CONDITION	V VOLTS		SWITCH POSITION FOR TEST	$R_2 + R_L$ *
1	MIN 42.5	MAX 56.5	BOTH	CONTINUOUSLY VARIABLE OVER 400 TO 1740 Ω
2	105		2	2000Ω

$$R_L = \frac{R_{L1}\ R_{L2}}{R_{L1}+R_{L2}} + \frac{R_{L3}\ R_{L4}}{R_{L3}+R_{L4}}$$

FIGURE 68.3(C)

LOOP SIMULATOR CIRCUIT FOR 4-WIRE
REVERSE BATTERY CIRCUITS


TIP
L1
C1
R1
L2
RING
R2
TIP 1
L3
C2
R3
L4
RING 1

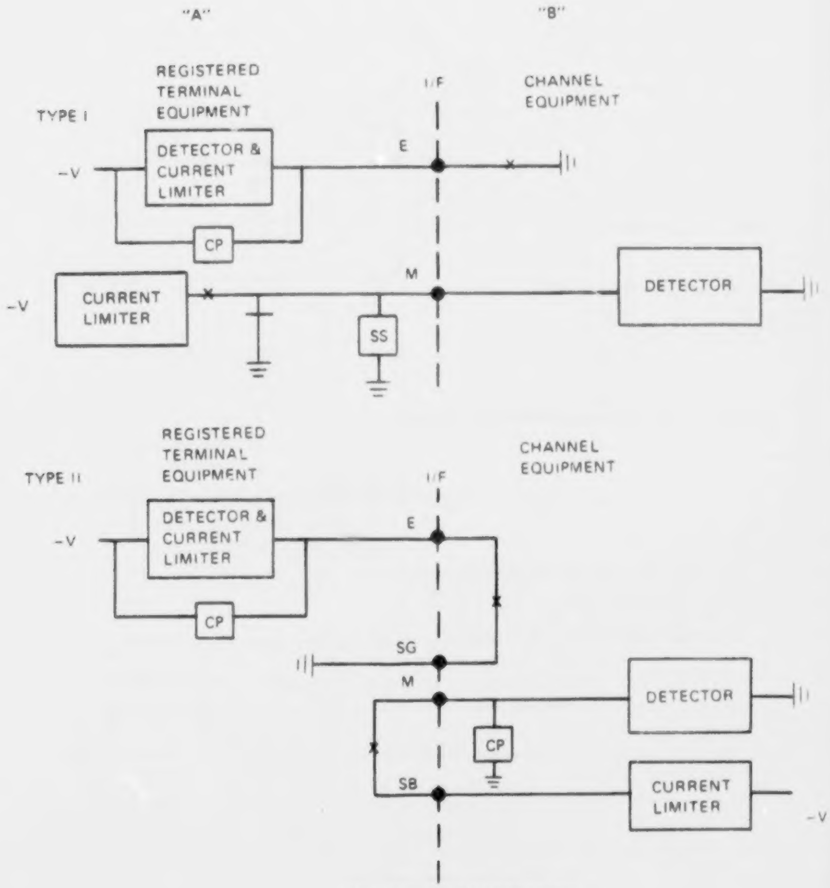
$L_1 = L_2 = L_3 = L_4 \geq 5H$ (RESISTANCE = $R_{L1}, R_{L2}, R_{L3}, R_{L4}$)
$R_1 = R_3 = 600$ OHMS, ± 1%
$C_1 = C_2 = 500\mu FD$, -10%, +50%

$R_2 + R_L$
CONTINUOUSLY VARIABLE OVER 400 TO 2450Ω

$$R_L = \frac{R_{L1}\,R_{L2}}{R_{L1} + R_{L2}} + \frac{R_{L3}\,R_{L4}}{R_{L3} + R_{L4}}$$

FIGURE 68.3(D)

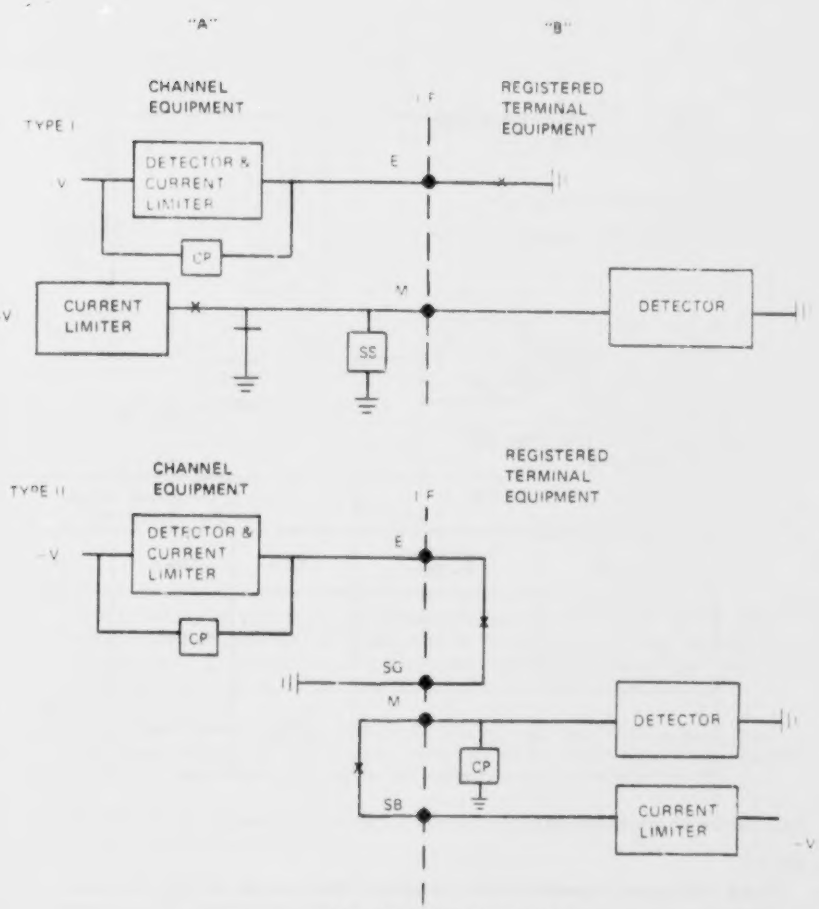
REGISTERED TERMINAL EQUIPMENT
ON "A" SIDE OF INTERFACE


"A"
"B"
TYPE I
REGISTERED TERMINAL EQUIPMENT
I/F
CHANNEL EQUIPMENT
−V
DETECTOR & CURRENT LIMITER
E
CP
M
−V
CURRENT LIMITER
SS
DETECTOR
TYPE II
REGISTERED TERMINAL EQUIPMENT
I/F
CHANNEL EQUIPMENT
−V
DETECTOR & CURRENT LIMITER
E
CP
SG
M
DETECTOR
CP
SB
CURRENT LIMITER
−V

CP – CONTACT PROTECTION
SS – SURGE SUPPRESSION

FIGURE 68.3 (e) (i)
E&M TYPES I & II SIGNALING

REGISTERED TERMINAL EQUIPMENT
ON "B" SIDE OF INTERFACE

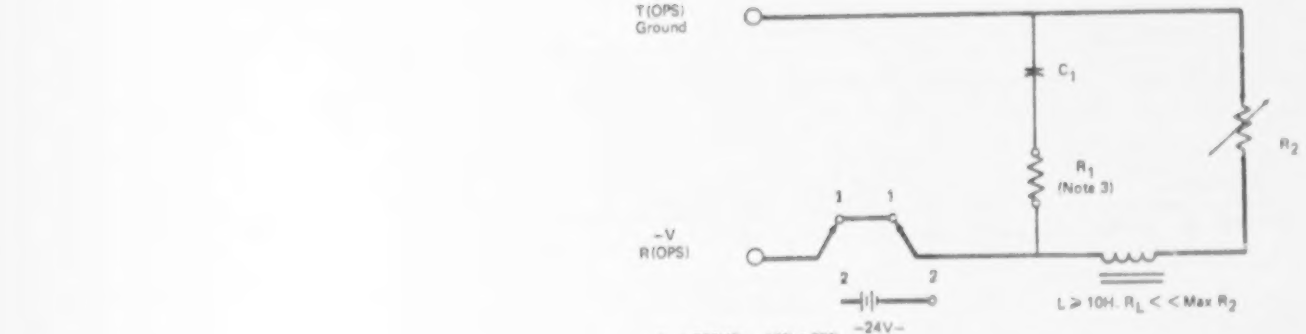

"A"
"B"
CHANNEL EQUIPMENT
I F
REGISTERED TERMINAL EQUIPMENT
TYPE I
DETECTOR & CURRENT LIMITER
-V
E
CP
CURRENT LIMITER
M
-V
DETECTOR
SS
CHANNEL EQUIPMENT
REGISTERED TERMINAL EQUIPMENT
TYPE II
I F
DETECTOR & CURRENT LIMITER
-V
E
CP
SG
M
DETECTOR
CP
SB
CURRENT LIMITER
-V

CP CONTACT PROTECTION
SS SURGE SUPPRESSION

FIGURE 68.3 (e) (ii)
E&M TYPES I & II SIGNALING

- 9 -

OFF-PREMISES LOOP SIMULATOR



C_1 = 600UF, − 10% + 50%
R_1 = 600Ω ± 1%

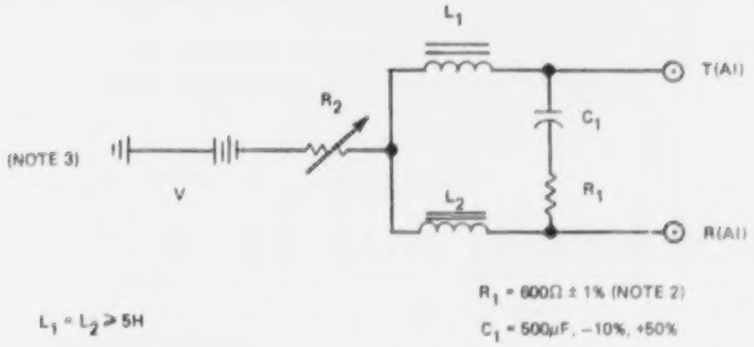
Condition	Switch Position For Test	$R_2 + R_L$ Continuously Variable Over The Following Range		
		Class A	Class B	Class C
1	1	R_L To 200Ω	R_L To 800Ω	R_L To 1800Ω
2	2	Not Applicable	200 To 2300Ω	800 To 3300Ω

The minimum dc current present for all resistance ranges of conditions 1 and 2 shall be 16 ma.

NOTES:

1. Means shall be used to generate, at the point of tip (T OPS) and ring (R OPS) connections to the PBX, the range of resistance and impedance which are employed by the illustrative circuit depicted above.
2. In the longitudinal balance limitations, Section 68.310, the use of the "dc portion of the line simulator" is specified. In such case, components R_1 and C_1 above shall be removed.
3. Tests for compliance may be made with either R_1 = 600 ohms or R_1 replaced by the alternative termination shown in Figure 68.3(i).

Figure 68.3(f)



OPERATING STATE	V, VOLTS		$R_2 + R_L$,* OHMS (NOTE 5)
	MAX.	MIN.	
1	+3 (NOTE 4)	−3 (NOTE 4)	600-1400
2	+3	−3	600-1400
3	−59.5	−39.5	300-1400

$$^*R_L = \frac{R_{L1}R_{L2}}{R_{L1}+R_{L2}}$$

NOTES:

1. Means shall be provided to generate, at the point of T(AI) and R(AI) connections to the PBX, the dc line current and impedance values that are employed by the illustrative circuit depicted above.

2. For signal power measurements in 68.308 (d) and (e) other than voiceband metallic and in the 3995 to 4005 hertz band, use resistive terminations specified in place of R_1.

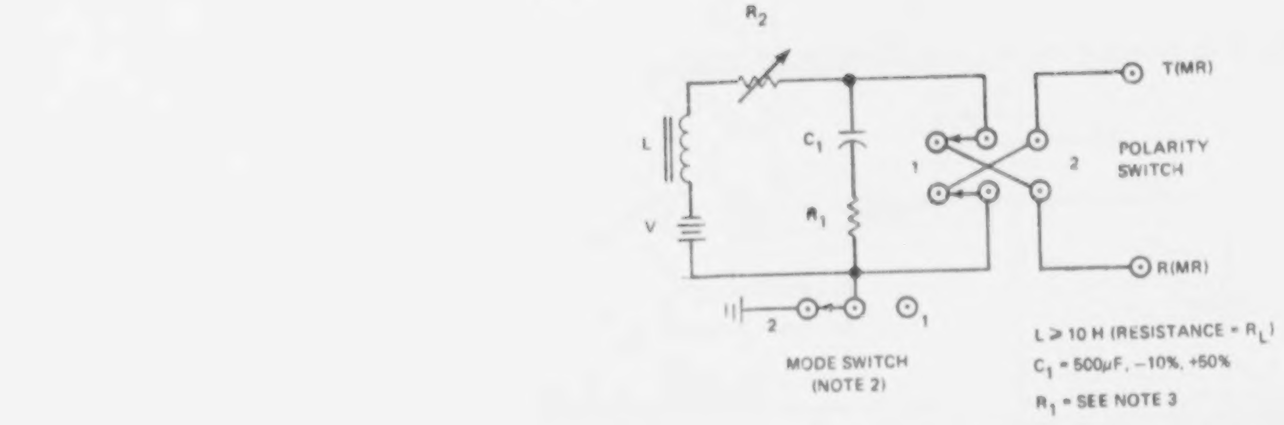
3. Ground lead should be bonded to simplex signaling ground of registered terminal equipment.

4. The ±3-volt battery shall be used to extend the range of total battery applied to an overall circuit. Thus, if the registered terminal equipment condition provides -42.5 to - 56.5 volts, the overall circuit (simulator and PBX AIOD) shall be tested over a range of -39.5 to 59.5 volts.

5. Continuously variable over the range specified.

FIGURE 68.3 (g)

AIOD DATA CHANNEL SIMULATOR CIRCUIT


R2
T(MR)
C1
L
1
2
POLARITY SWITCH
V
R1
R(MR)
2
1
MODE SWITCH (NOTE 2)
L ≥ 10 H (RESISTANCE = RL)
C1 = 500μF, −10%, +50%
R1 = SEE NOTE 3

CONDITION	V, VOLTS		POLARITY SWITCH POSITION	MODE SWITCH POSITION	$R_2 + R_L$ OHMS (NOTE 4)
	MIN	MAX			
1	42.5	56.5	BOTH	1	250-1450
2	39.5	59.5	BOTH	2	250-850
3	63.5	83.5	BOTH	1	1450-2650

NOTES:

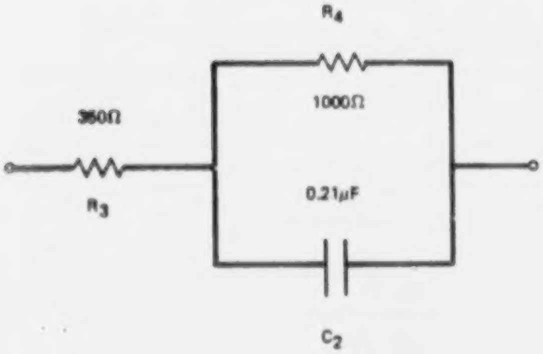
1. Means shall be used to generate, at the point of T(MR) and R(MR) connections to the PBX, the range of resistance and impedance values that are employed by the illustrative circuit depicted above.
2. Mode switch position 1 is for metallic return operation; mode switch position 2 is for ground return operation.
3. For signal power measurements specified in 68.308, use Figures 68.308 (b) and (c) for R_1.
4. Continuously variable over range shown.

FIGURE 68.3 (h)

MESSAGE REGISTER SIGNALING CHANNEL SIMULATOR

[45 FR 20841, Mar. 31, 1980, as amended at 46 FR 40192, Aug. 7, 1981]

ALTERNATIVE TERMINATION



R_3 = 350Ω ± 1%

R_4 = 1000Ω ± 1%

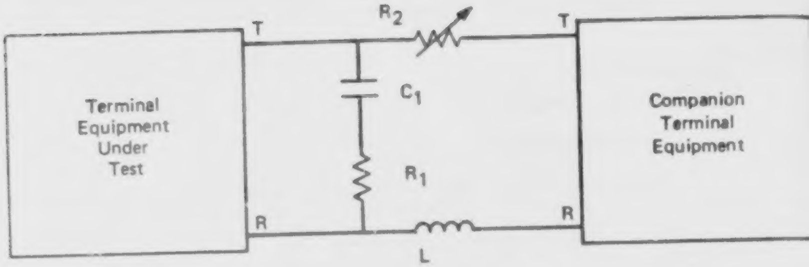
C_2 = 0.21µF ± 1%

NOTE:

When this alternative termination is used during signal power compliance testing, it replaces R_1 (600Ω) in the loop simulator circuit.

Figure 68.3(i)

LOOP SIMULATOR CIRCUIT VOICEBAND METALLIC CHANNELS


Terminal Equipment Under Test
T
R
R_2
C_1
R_1
L
T
R
Companion Terminal Equipment

C_1 = 500μF -10%, +5%
R_1 = 600 OHMS ± 1%
L > 10H., Resistance = R_L

$R_2 + R_L$
Continually Variable From R_L To R_X

Where: R_X = Signaling Range Of Terminal Equipment Under Test And,

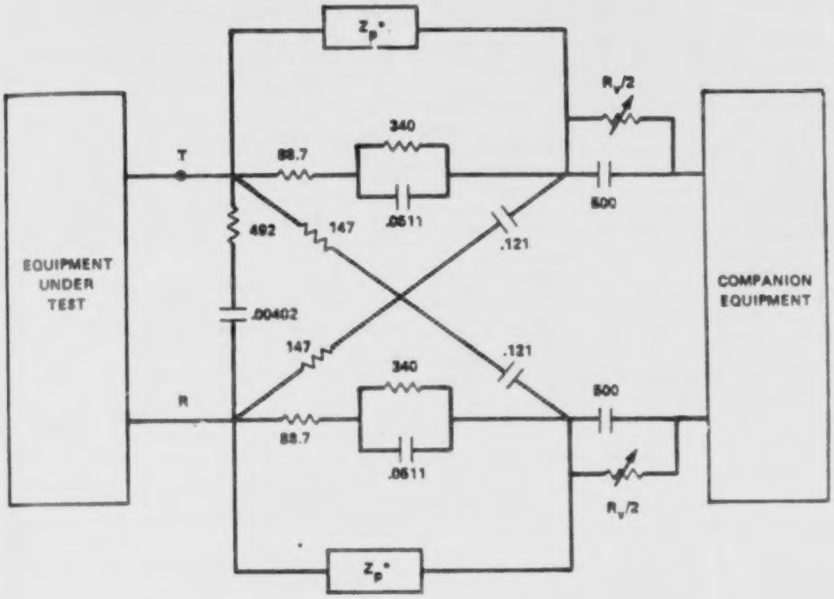
$R_L << R_X$

NOTES:

1. For Longitudinal Balance Measurements (Section 68.310), The DC Portion Of The Loop Simulator Should Be Provided By Removing R_1 And C_1. Companion Terminal Equipment Grounds (Including Power Supplies) Must Be Isolated From Longitudinal Balance Circuit Grounds.

Figure 68.3 (j)

10a


Z_p*
$R_v/2$
340
T
88.7
500
492
147
.0511
.121
EQUIPMENT UNDER TEST
COMPANION EQUIPMENT
.00402
147
.121
340
R
500
88.7
.0511
$R_v/2$
Z_p*

RESISTANCES (OHMS), CAPACITANCES (µF) TOLERANCES ± 2%

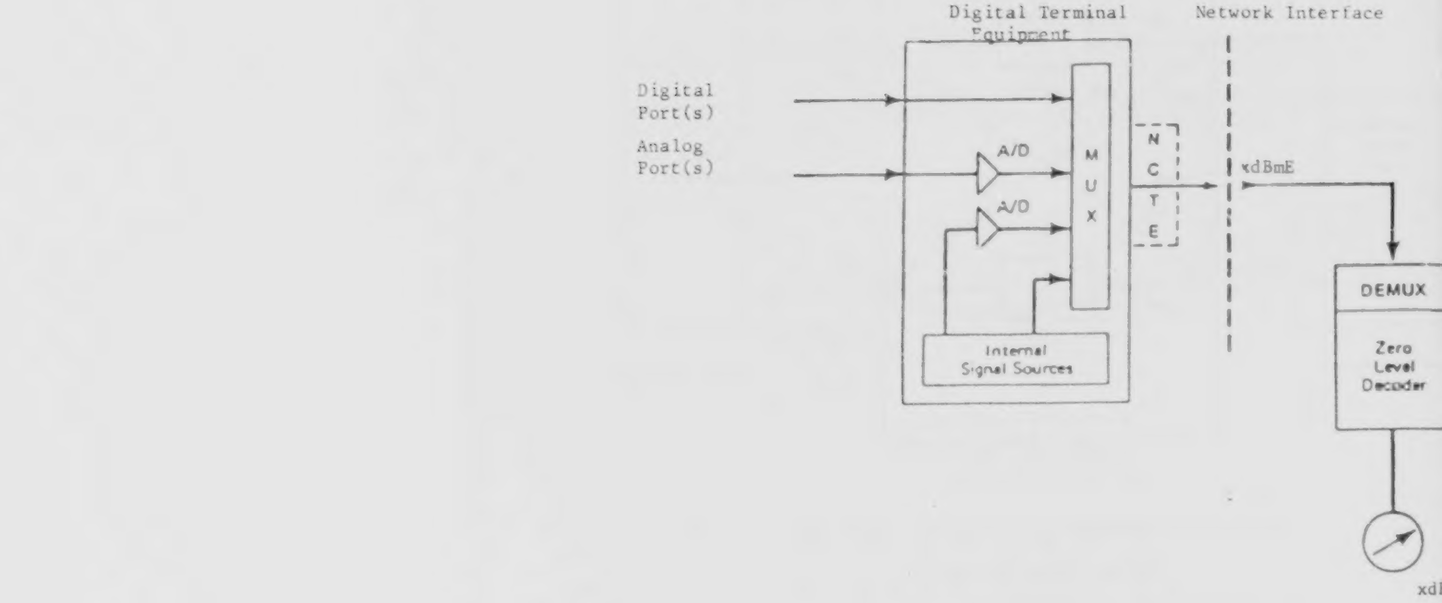
$R_v + R_p$ = 50 THRU 3000 OHMS

$^*Z_p$ = MAGNITUDE OF THE LOW PASS FILTER IMPEDANCE = < 25 Ω DC; > 3 KΩ 10 Hz – 6 Hz

(R_p) ½ = DC RESISTANCE OF LOW PASS FILTER Z_p ∥ 428.7 Ω

FIGURE 68.3 (K) LADC IMPEDANCE SIMULATOR FOR METALLIC VOLTAGE TESTS.

ZERO LEVEL DECODER TEST CONFIGURATION FOR SUBRATE AND 1.544 MBPS DIGITAL CHANNELS


Digital Terminal Equipment
Network Interface
Digital Port(s)
Analog Port(s)
A/D
A/D
M U X
N C T E
xdBmE
DEMUX
Zero Level Decoder
Internal Signal Sources
xdl

Note: This assumes That the Decoder Has Resistive 600 Ohm Output Impedance And Is Terminated In a Resistance of 600 Ohms.

Figure 68.3 (1)

[45 FR 20841, Mar. 31, 1980, as amended at 46 FR 40192, Aug. 7, 1981; 49 FR 21734, May 2
1984; 49 FR 48720, Dec. 14, 1984; 50 FR 48208, Nov. 22, 1985; 51 FR 937, Jan. 9, 1986; 54 F
21430, May 18, 1989; 55 FR 28629, July 12, 1990]

§ 68.4 Hearing aid-compatible telephones.

(a)(1) Except for telephones used with public mobile services, telephones used with private radio services, and cordless and secure telephones, every telephone manufactured in the United States (other than for export) or imported for use in the United States after August 16, 1989, must be hearing aid compatible. Every cordless telephone manufactured in the United States (other than for export) or imported into the United States after August 16, 1991, must be hearing aid compatible.

(2) Unless otherwise stated and except as provided in § 68.112(c)(3), every telephone installed on or after January 1, 1985, which is subject to § 68.112 must be hearing aid-compatible.

(3) A telephone is hearing aid-compatible if it provides internal means for effective use with hearing aids that are designed to be compatible with telephones which meet established technical standards for hearing aid compatibility.

(4) The Commission shall revoke or otherwise limit the exemptions of paragraph (a)((1) of this section for telephones used with public mobile services or telephones used with private radio services if it determines that (i) such revocation or limitation is in the public interest; (ii) continuation of the exemption without such revocation or limitation would have an adverse effect on hearing-impaired individuals; (iii) compliance with the requirements of § 68.4(a)(1) is technologically feasible for the telephones to which the exemption applies; and (iv) compliance with the requirements of § 68.4(a)(1) would not increase costs to such an extent that the telephones to which the exemption applies could not be successfully marketed.

[54 FR 21430, May 18, 1989; 55 FR 28763, July 13, 1990]

§ 68.5 Waivers.

The Commission may, upon the application of any interested person, initiate a proceeding to waive the requirements of § 68.4(a)(1) with respect to new telephones, or telephones associated with a new technology or service. The Commission shall not grant such a waiver unless it determines, on the basis of evidence in the record of such proceeding, that such telephones, or such technology or service, are in the public interest, and that (a) compliance with the requirements of § 68.4(a)(1) is technologically infeasible, or (b) compliance with such requirements would increase the costs of the telephones, or of the technology or service, to such an extent that such telephones, technology, or service could not be successfully marketed. In any proceeding under this section to grant a waiver from the requirements of § 68.4(a)(1), the Commission shall consider the effect on hearing-impaired individuals of granting the waiver. The Commission shall periodically review and determine the continuing need for any waiver granted pursuant to this section.

[54 FR 21430, May 18, 1989]

Subpart B—Conditions on Use of Terminal Equipment

§ 68.100 General.

In accordance with the rules and regulations in Subpart B of this part, terminal equipment may be directly connected to the public switched telephone network and to those private line services included in § 68.2(a).

[51 FR 944, Jan. 9, 1986]

§ 68.102 Registration requirement.

Terminal equipment must be registered in accordance with the rules and regulations in Subpart C of this part, or connected through registered protective circuitry, which is registered in accordance with the rules and regulations in Subpart C of this part.

§ 68.104 Means of connection.

(a) *General.* Any jack installed by the telephone company at, or constituting, the demarcation point shall conform to subpart F of this part. Subject to the requirements of § 68.213, connection of wiring and terminal equipment to the telephone network may be made through a jack conforming to subpart F or by direct attachment to carrier-installed wiring including, but not limited to, splicing, bridging, twisting and soldering. Telephone company-provided ringers may be connected to the network in accordance with the carrier's reasonable and nondiscriminatory standard operating practices. Connection to the network of wiring subject to § 68.215 and terminal equipment used therewith shall be through telephone company-provided jacks conforming to subpart F of this part, in such a manner as to allow for easy and immediate disconnection.

(b) *Data equipment.* Where a customer desires to connect data equipment which has been registered in accordance with § 68.308(a)(4) (i) or (ii), he shall notify the telephone company of each telephone line to which he intends to connect such equipment. The telephone company after determining the attenuation of each such telephone line between the interface and the telephone company central office, will make such connections as are necessary in each standard data jack which it will install, so as to allow the maximum signal power delivered by such data equipment to the telephone company central office to reach but not exceed the maximum allowable signal power permitted at the telephone company central office.

(c) *Tariff description.* As an alternative to description in Subpart F of these rules, connections to the telephone network may be made through standard plugs and standard telephone company-provided jacks or equivalent described in nationwide telephone tariffs: *Provided,* That these means of connection otherwise comply with paragraphs (a) and (b) of this section.

[45 FR 20853, Mar. 31, 1980, as amended at 55 FR 28630, July 12, 1990]

§ 68.106 Notification to telephone company.

(a) *General.* Customers connecting terminal equipment or protective circuitry to the telephone network shall, upon request of the telephone company, inform the telephone company of the particular line(s) to which such connection is made, the FCC registration number and ringer equivalence number of the registered terminal equipment or registered protective circuitry.

(b) *Systems assembled of combinations of individually-registered terminal equipment and protective circuitry.* Customers connecting such assemblages to the telephone network shall, upon the request of the telephone company, provide to the telephone company the following information:

(1) For each line:

(i) Information required for compatible operation of the equipment with telephone company communications facilities.

(ii) The FCC Registration Numbers for all equipment dedicated to that line.

(iii) The largest Ringer Equivalence to be presented to that line.

(2) A list of FCC Registration Numbers for equipment to be used in the system.

(c) *Systems using other than "fully-protected" premises wiring.* Customers who intend to connect premises wiring other than "fully-protected" premises wiring to the telephone network shall, in addition to the foregoing, give notice to the telephone company in accordance with § 68.215(e).

(d) *AIOD trunk and station number verification.* Customers who intend to install or have installer performed additions to and rearrangements of AIOD functions shall give notice to the telephone company in accordance with § 68.222(d).

(e) *OPS.* Customers who intend to connect to OPS facilities shall inform the telephone company of OPS class for which the equipment is registered and connection is desired.

[45 FR 20853, Mar. 31, 1980, as amended at 50 FR 47548, Nov. 19, 1985]

§ 68.108 Incidence of harm.

Should terminal equipment, inside wiring, plugs and jacks, or protective circuitry cause harm to the telphone network, or, should the carrier reasonably determine that such harm is imminent, the telephone company shall where practicable, notify the customer that temporary discontinuance of service may be required; however, wherever prior notice is not practicable, the telephone company may temporarily discontinue service forthwith, if such action is reasonable under the circumstances. In case of such temporary discontinuance, the telephone company shall:

(a) Promptly notify the customer of such temporary discontinuance;

(b) Afford the customer the opportunity to correct the situation which gave rise to the temporary discontinuance; and

(c) Inform the customer of his right to bring a complaint to the Commission pursuant to the procedures set forth in subpart E of this part.

[55 FR 28630, July 12, 1990]

§ 68.110 Compatibility of the telephone network and terminal equipment.

(a) *Availability of interface information.* Technical information concerning interface parameters not specified in this part, including the number of ringers which may be connected to a particular telephone line, which is needed to permit terminal equipment to operate in a manner compatible with telephone company communications facilities, shall be provided by the telephone company upon request.

(b) *Changes in telephone company facilities, equipment, operations or procedures.* The telephone company may make changes in its communications facilities, equipment, operations or procedures, where such action is reasonably required in the operation of its business and is not inconsistent with the rules and regulations in this part. If such changes can be reasonably expected to render any customer's terminal equipment incompatible with telephone company communications facilities, or require modification or alteration of such terminal equipment, or otherwise materially affect its use or performance, the customer shall be given adequate notice in writing, to allow the customer an opportunity to maintain uninterrupted service.

§ 68.112 Hearing aid-compatibility.

(a) *Coin telephones.* All new and existing coin-operated telephones, whether located on public property or in a semi-public location (*e.g.* drugstore, gas station, private club).

(b) *Emergency use telephones.* Telephones "provided for emergency use" include the following:

(1) Telephones in places where a person with impaired hearing might be isolated in an emergency, including, but not limited to, elevators, automobile, railroad or subway tunnels, highways and common areas of the workplace, including libraries, reception areas, and similar locations where employees are reasonably expected to congregate. Telephones located in common areas of the workplace are required to be hearing aid-compatible no later than May 1, 1991.

(2) Telephones specifically installed to alert emergency authorities, including, but not limited to, policy or fire departments or medical assistance personnel.

(3) Telephones needed to signal life-threatening or emergency situations in confined settings, including, but not limited to, rooms in hospitals, residential health care facilities for senior citizens, convalescent homes, and prisons. A telephone is not needed to signal life-threatening or emergency situations if an alternative means of signalling such a situation is available.

(4) All credit card operated telephones, whether located on public property or in a semipublic location (e.g. drugstore, gas station, private club), unless a hearing aid-compatible coin-operated telephone providing similar services is nearby and readily available. However, regardless of coin-operated telephone availability, all credit card operated telephones must be made hearing aid compatible when replaced, or by May 1, 1991, which ever comes sooner.

(c)(1) Any telephone made available at the work station of a hearing impaired employee for use by that employee in his or her employment duty. An employee's "work station" is defined as the location within a workplace where that employee is usually found in the course of his or her employment duties.

(2) Any telephone, including internal extensions and telephones restricted to local calling areas, made available for use by the public in places of business or buildings in which visits by the public are reasonably expected.

Examples include, but are not limited to, telephones located in lobbies of hotels or apartment buildings; telephones in stores, which are used by patrons to order merchandise; telephones in public transportation terminals which are used to call taxis or to reserve rental automobiles.

(3) Any telephone in a hotel or motel room. *Provided that,* if at least ten percent of the rooms in a hotel or motel are equipped to accommodate a hearing impaired customer, the hotel or motel need not purchase or install a compatible telephone when it replaces a telephone. A room is equipped to accommodate a hearing impaired customer if (i) it contains a permanently installed hearing aid-compatible telephone; or (ii) it contains a telephone which will accept a plug-in hearing aid-compatible handset, which shall be provided to the hearing impaired customer by the hotel or motel; or (iii) the room contains a jack into which a hearing aid-compatible telephone provided to the customer by the hotel or motel may be plugged (*i.e.,* in addition to a permanently installed telephone which is not hearing aid-compatible). *Provided further* That, if fewer than ten percent of the rooms in a hotel or motel are hearing aid-compatible, when replacing a telephone the hotel or motel must, until the ten percent minimum is reached: (A) Replace it with a hearing aid-compatible telephone, *or* (B) procure and maintain a plug-in hearing aid-compatible telephone handset which it will provide to a hearing impaired customer upon request at check-in.

(4) Any telephone in the locations listed in § 68.112(b)(3) in which an alternative means of signalling a life-threatening or emergency situation is available.

[49 FR 1362, Jan. 11, 1984, as amended at 55 FR 28763, July 13, 1990]

Subpart C—Registration Procedures

§ 68.200 Application for equipment registration.

An original and two copies of an application for registration of terminal equipment and protective circuitry shall be submitted on FCC Form 730 to the Federal Communications Commission, Washington, DC 20554 (Applications requiring fees as set forth at Part 1, Subpart G of this chapter must be filed in accordance with § 0.401(b) of the rules). An application for original approval of an equipment type directly connected to the network on May 1, 1976 may be submitted as a short form application (unless the Commission specifically requests the filing of complete information). All other applications shall have all questions answered and include the following information:

(a) Identification, technical description and purpose of the equipment fo which registration is sought.

(b) The means, if any, employed t limit signal power into interface.

(c) A description of all circuitry employed in assuring compliance wit this Part 68 including the following:

(1) Specifications, including voltag or current ratings of all circuit elements whether active or passive, i that part of the equipment or circuitr which ensures compliance with Subpart D of this part.

(2) A circuit diagram containing th complete circuit of that part of th equipment or circuitry which ensure compliance with Subpart D of thi part. If this portion of the device i subject to factory or field adjustmen by the applicant or an agent thereo instructions for these adjustment shall be included. In addition, if th equipment or circuitry is designed t operate from power supplied by ele tric utility lines, the circuit diagra shall also include that portion of th device connected to such lines, inclu ing the power supply to the intern circuitry, and whatever means are employed to isolate such utility lin from the internal circuitry.

(3) If a service manual is submitte and any of these items are cover therein, it will be sufficient to list th pages in the manual on which the i formation specified in the item(appear.

(d) A statement that the termin equipment or protective circuitry co plies with and will continue to comp with the appropriate rules and regu tions in Subpart D of this part, acco panied by such test results, descripti of test procedures, analyses, evalu tions, quality control standards and quality assurance standards as are necessary to demonstrate that such terminal equipment or protective circuitry complies with and will continue to comply with all the applicable rules and regulations in Subpart D of this part. The Office of Engineering and Technology may issue an OET Bulletin describing acceptable test methods; other test methods may be employed provided they are fully described in the application and are found acceptable by the Commission.

(e) A photograph, sample or drawing of the equipment label showing the information to be placed thereon.

(f) Photographs, 8″ × 10″ of the equipment of sufficient clarity to reveal equipment construction and layout and labels for controls, with sufficient views of the internal construction to define component placement and chassis assembly. Photographs smaller than 8″ × 10″ will be acceptable if mounted on paper 8″ × 10″ and of sufficient clarity for the purpose. Insofar as these requirements are met by photographs or drawings contained in service manual or instruction manual included with the application, additional photographs are required only to complete the required showing.

(g) If the device covered by the application is designed to operate in conjunction with other equipment, the characteristics of which can affect compliance of the device covered by the application with Subpart D of this part, then such other equipment must also be registered. If such other equipment already is registered, then the FCC Registration Number(s) must be supplied.

(h) Electrically transparent adapters, extension cords, line-transfer swiches and cross-connect panels need not be registered provided they meet the requirements of § 68.304(a) and the temperature-humidity requirements of § 68.302(b). Descriptive installation procedures for cross-connect panels (where used) must be provided in equipment registration applications. Additional requirements include:

(1) An extension cord must consist of a male connector and a female connector and wiring between them which is no longer than 25 feet.

(2) Transfer switches must be manually operated, not use relays, and be wired in a balanced tip and ring configurations. Switch wiring must be "fully protected" wiring, no longer than 25 feet.

(i) Any application for registration or modification of the registration of a telephone, filed on or after March 1, 1984, shall state whether the handset complies with § 68.316 of these rules (defining hearing aid compatibility), or state that it does not comply with that section. A telephone handset which complies with § 68.316 shall be deemed a "hearing aid-compatible telephone" for purposes of § 68.4.

(j) Terminal equipment having the following lead connections to standard jacks or adapters are subject to the following compliance tests:

(1) *Make-busy leads:* The MB and MB1 leads shall be considered telephone connections and comply with the requirements of §§ 68.304 and 68.306 when isolated from tip and ring. When the corresponding telephone line is of the loop-start type the tip and ring leads shall comply with all Part 68 rules when the MB and MB1 leads are bridged to the tip and ring connections.

(2) *Continuity leads:* Leakage current limitations shall be met as specified in § 68.304. The design of the terminal equipment shall assure that the open circuit dc voltage to ground shall not exceed 18 volts; the dc current in a short circuit across CY1 and CY2 shall not exceed 10 milliamperes; and any ac voltage to ground appearing on the continuity leads from sources in the terminal equipment shall not exceed 5 volts peak. The leads, CY1 and CY2, shall be treated as telephone connections for the purpose of hazardous voltage limitation tests and are only required to comply with § 68.304, 68.306(a) and (b)(1). Terminal equipment furnished with CY1 and CY2 leads shall comply with the criteria of § 68.308 and 68.314 with a short circuit across the CY1 and CY2 leads.

(3) Specialty adapters need only be evaluated for compliance with §§ 68.304 and 68.310 under the conditions specified in § 68.310. Resistors

used for setting signal power levels must meet the requirements of § 68.502(e). Specialty adapters may be labelled, "FCC Reg. No. XXX". (The proper number should be included.) The other information required by §§ 68.300 need not be provided.

(4) Data jack programmed resistor leads (PR and PC): *See* § 68.502(e). Leakage current limitations shall be met as specified in § 68.304. PR and PC will be treated as telephone connections for the purpose of hazardous voltage limitation tests and are only required to comply with § 68.306(a) and (b)(1). Equipment furnished with PR and PC leads shall comply with the criteria of §§ 68.308 and 68.314 for all permitted values of the programming resistor specified in § 68.502(e).

[41 FR 8048, Feb. 24, 1976, as amended at 42 FR 32244, June 24, 1977; 49 FR 1363, Jan. 11, 1984; 49 FR 48720, Dec. 14, 1984; 51 FR 944, Jan. 9, 1986; 51 FR 12616, Apr. 14, 1986; 52 FR 10231, Mar. 31, 1987]

§ 68.202 Public notice.

(a) The Commission will issue public notices of the filing of applications for equipment registrations and the grants thereof. No grant will issue before five days from the date of the public notice of the filing of the application.

(b) The Commission will maintain lists of equipment for which it has granted registration and for which it has revoked registration.

[41 FR 8049, Feb. 24, 1976 and 50 FR 47548, Nov. 19, 1985]

§ 68.204 Comments and replies.

Comments may be filed as to any application for equipment registration within five days of the date of the public notice of its filing. Replies to such comments may be filed within five days of the filing of such comments. All comments must be served on all parties filing comments. An original and three copies of all comments and replies must be filed.

[50 FR 47548, Nov. 19, 1985]

§ 68.206 Grant of application.

(a) The Commission will grant an application for equipment registration if it finds from an examination of such application and other matter which it may officially notice, that the equipment will comply with the rules and regulations in Subpart D of this part, or that such grant will otherwise serve the public interest.

(b) Grants will be made in writing showing the effective date of the grant and any special condition(s) attaching to the grant.

(c) Equipment registration shall not attach to any equipment, nor shall any equipment registration be deemed effective, until the application has been granted.

§ 68.208 Dismissal and return of application.

(a) An application which is not filed in accordance with the requirements of this part of which is defective with respect to completeness of answers to questions, execution or other matters of a formal character, may not be accepted for filing by the Commission and may be returned as unacceptable for filing unless accompanied by a fully supported request for waiver.

(b) Any application, upon written request, may be dismissed prior to a determination granting or denying the equipment registration requested.

(c) If an applicant is requested by the Commission to furnish any additional documents, information or equipment not specifically required by this subpart, a failure to comply with the request within the time, if any, specified by the Commission will result in the dismissal of such application.

[40 FR 53023, Nov. 14, 1975, as amended at 41 FR 8049, Feb. 24, 1976]

§ 68.210 Denial of application.

If the Commission is unable to make the findings specified in § 68.206 it will deny the application. Notification of the denial will include a statement of the reasons for the denial.

§ 68.212 Assignment of equipment registration.

Commission equipment registration may not be assigned, exchanged or in any other way transferred to another party, without prior written notice to the Commission.

§ 68.213 Installation of other than "fully protected" non-system simple customer premises wiring.

(a) *Scope of this rule.* Provisions of this rule are limited to "unprotected" premises wiring used with simple installations of wiring for one and two-line residential and business telephone service. More complex installations of wiring for multiple line services, for use with systems such as PBX and key telephone systems, are controlled by § 68.215 of these rules.

(b) *Wiring authorized.* Unprotected premises wiring may be used to connect units of terminal equipment or protective circuitry to one another, and to carrier-installed facilities if installed in accordance with these rules. The telephone company is not responsible, except pursuant to agreement between it and the customer or undertakings by it, otherwise consistent with Commission requirements, for installation and maintenance of wiring on the subscriber's side of the demarcation point, including any wire or jacks that may have been installed by the carrier. The subscriber and/or premises owner may install wiring on the subscriber's side of the demarcation point, and may remove, reconfigure, and rearrange wiring on that side of the demarcation point including wiring that may have been installed by the carrier. The customer or premises owner may not access carrier wiring and facilities on the carrier's side of the demarcation point. Customers may not access the telephone company-installed protector. All plugs and jacks used in connection with inside wiring shall conform to subpart F of the Commission's rules.

(c) *Material requirements.* Conductors shall have insulation with a 1500 Volt rms breakdown rating. This rating shall be established by covering the jacket or sheath with at least six inches (measured lineraly on the cable) of conductive foil, and establishing a potential difference between the foil and all of the individual conductors connected together, such potential difference gradually increased over a 30 second time period to 1500 Volts rms, 60 Hertz, then applied continuously for one minute. At no time during this 90 second time interval shall the current between these points exceed 10 milliamperes peak.

(d) *Attestation.* Manufacturers (or distributors or retailers, whichever name appears on the packaging) of non-system telephone premises wire shall attest in a letter to the Commission that the wire conforms with Part 68, FCC Rules.

[49 FR 21734, May 23, 1984, as amended at 50 FR 29392, July 19, 1985; 50 FR 47548, Nov. 19, 1985; 51 FR 944, Jan. 9, 1986; 55 FR 28630, July 12, 1990]

§ 68.214 Changes in registered equipment and circuitry.

Changes in registered terminal equipment or registered protective circuitry shall be made as follows:

(a) No change in registered terminal equipment or registered protective circuitry that would result in any change in the information furnished the Commission pursuant to § 68.200 may be made, except after grant of a new application made on FCC Form 730.

(b) Changes which do not result in any change in the information furnished the Commission pursuant to § 68.200 may be made without express Commission approval. *Provided,* That prior written notification is given the Commission on FCC Form 730.

(c) Where equipment is registered by virtue of incorporation of registered protective circuitry therein, no notification need be given of changes to other than the protective circuitry, its mechanical and electrical connections to the equipment.

(d) Changes in registered terminal equipment or registered protective circuitry made pursuant to paragraphs (b) and (c) of this section may be made only by the grantee, or an authorized agent thereof, and the grantee will remain responsible for the performance of such changes.

(e) Operations associated with installing, connecting, reconfiguring or removing (other than final removal) premises wiring to registered terminal equipment or registered protective circuitry are changes in this equipment or circuitry within the meaning of this Section, unless:

(1) The premises wiring involved is "fully-protected" premises wiring, or

(2) All such operations are performed in accordance with § 68.215.

[42 FR 32244, June 24, 1977, as amended at 43 FR 16499, April 19, 1978]

§ 68.215 Installation of other than "fully protected" system premises wiring.

(a) *Types of wiring authorized*—(1) *Between equipment entities.* Unprotected premises wiring, and protected premises wiring requiring acceptance testing for imbalance, may be used to connect separately-housed equipment entities to one another.

(2) *Between an equipment entity and the network interface(s).* Fully-protected premises wiring shall be used to connect equipment entities to the telephone network interface unless the local telephone company is unwilling or unable to locate the interface within twenty-five feet of the equipment entity on reasonable request. In any such case, other than fully-protected premises wiring may be used if otherwise in accordance with these rules.

(3) *Hardware protection as part of the telephone company's facilities.* In any case where the carrier chooses to provide (and the customer chooses to accept, except as authorized under paragraph (g) of this section), hardware protection on the network side of the interface(s), the presence of such hardware protection will affect the classification of premises wiring for the purposes of § 68.215, as appropriate.

(b) *Installation personnel.* Operations associated with the installation, connection, reconfiguration and removal (other than final removal of the entire premises communications system) of other than fully-protected premises wiring shall be performed under the supervision and control of a supervisor, as defined in paragraph (c) of this section. The supervisor and installer may be the same person.

(c) *Supervision.* Operations by installation personnel shall be performed under the responsible supervision and control of a person who:

(1) Has had at least six months of on-the-job experience in the installation of telephone terminal equipment or of wiring used with such equipment;

(2) Has been trained by the registrant of the equipment to which the wiring is to be connected in the proper performance of any operations by installation personnel which could affect that equipment's continued compliance with these rules;

(3) Has received written authority from the registrant to assure that the operations by installation personnel will be performed in such a manner as to comply with these rules.

(4) Or, in lieu of paragraphs (c)(1) through (3) of this section, is a licensed professional engineer in the jurisdiction in which the installation is performed.

(d) *Workmanship and material requirements*—(1) *General.* Wiring shall be installed so as to assure that there is adequate insulation of telephone wiring from commercial power wiring and grounded surfaces. Wiring is required to be sheathed in an insulating jacket in addition to the insulation enclosing individual conductors (see below) unless located in an equipment enclosure or in an equipment room with restricted access; it shall be assured that this physical and electrical protection is not damaged or abraded during placement of the wiring. Any intentional removal of wiring insulation (or a sheath) for connections or splices shall be accomplished by removing the *minimum* amount of insulation necessary to make the connection or splice, and insulation equivalent to that provided by the wire and its sheath shall be suitably restored, either by placement of the splices or connections in an appropriate enclosure, or equipment rooms with restricted access, or by using adequately-insulated connectors or splicing means.

(2) *Wire.* Insulated conductors shall have a jacket or sheath with a 1500 volt rms minimum breakdown rating, except when located in an equipment enclosure or an equipment room with restricted access. This rating shall be established by covering the jacket or sheath with at least six inches (measured linearly on the cable) of conductive foil, and establishing a potential difference between the foil and all of the individual conductors connected together, such potential difference

gradually increased over a 30 second time period to 1500 volts rms, 60 Hertz, then applied continuously for one minute. At no time during this 90 second time interval shall the current between these points exceed 10 milliamperes peak.

NOTE: This requirement is patterned after § 68.304.

(3) *Places where the jacket or sheath has been removed.* Any point where the jacket or sheath has been removed (or is not required) shall be accessible for inspection. If such points are concealed, they shall be accessible without disturbing permanent building finish (e.g. by removing a cover).

(4) *Building and electrical codes.* All building and electrical codes applicable in the jurisdiction to telephone wiring shall be complied with. If there are no such codes applicable to telephone wiring, Article 800 of the 1978 National Electrical Code, entitled Communications Systems, and other sections of that Code incorporated therein by reference shall be complied with.

(5) *Limitations on electrical signals.* Only signal sources which emanate from the local telephone company central office, or which are generated in equipment at the customer's premises and are "non-hazardous voltage sources" (see § 68.306(b)(4)) may be routed in premises telephone wiring, except for voltages for network control signaling and supervision which are consistent with standards employed by the local telephone company. Current on individual wiring conductors shall be limited to values which do not cause an excessive temperature rise, with due regard to insulation materials and ambient temperatures. The following table assumes a 45° C temperature rise for wire sizes 22 AWG or larger, and a 40° C rise for wire sizes smaller than 22 AWG, for poly-vinyl chloride insulating materials, and should be regarded as establishing *maximum* values to be derated accordingly in specific installations where ambient temperatures are in excess of 25° C:

MAXIMUM CONTINUOUS CURRENT CAPACITY OF PVC INSULATED COPPER WIRE, CONFINED

Wire size, AWG	Circular mils	Maximum current, amperes
32	63.2	0.32
30	100.5	0.52
28	159.8	0.83
26	254.1	1.3
24	404.0	2.1
22	642.4	5.0
20	1022	7.5
18	1624	10

NOTE: The total current in all conductors of multiple conductor cables may not exceed 20% of the sum of the individual ratings of all such conductors.

(6) *Physical protection.* In addition to the general requirements that wiring insulation be adequate and not damaged during placement of the wiring, wiring shall be protected from adverse effects of weather and the environment in which it is used. Where wiring is attached to building finish surfaces (surface wiring), it shall be suitably supported by means which do not affect the integrity of the wiring insulation.

(e) *Documentation requirements.* A notarized affidavit and one copy thereof shall be prepared by the installation supervisor in advance of each operation associated with the installation, connection, reconfiguration and removal of other than fully-protected premises wiring (except when accomplished functionally using a cross-connect panel), except when involved with removal of the entire premises communications system using such wiring. This affidavit and its copy shall contain the following information:

(1) The responsible supervisor's full name, business address and business telephone number.

(2) The name of the registrant(s) (or manufacturer(s), if grandfathered equipment is involved) of any equipment to be used electrically between the wiring and the telephone network interface, which does not contain inherent protection against hazardous voltages and longitudinal imbalance.

(3) A statement as to whether the supervisor complies with § 68.215(c). Training and authority under § 68.215(c)(2)-(3) is required from the registrant (or manufacturer, if grand-

fathered equipment is involved) of the first piece of equipment electrically connected to the telephone network interface, other than passive equipments such as extensions, cross-connect panels, or adapters. In general, this would be the registrant (or manufacturer) of a system's common equipment.

(4) The date(s) when placement and connection of the wiring will take place.

(5) The business affiliation of the installation personnel.

(6) Identification of specific national and local codes which will be adhered to.

(7) The manufacturer(s); a brief description of the wire which will be used (model number or type); its conformance with recognized standards for wire if any (*e.g.*, Underwriters Laboratories listing, Rural Electrification Administration listing, "KS-" specification, etc.); and a general description of the attachment of the wiring to the structure (*e.g.*, run in conduit or ducts exclusively devoted to telephone wiring, "fished" through walls, surface attachment, etc.).

(8) The date when acceptance testing for imbalance will take place.

(9) The supervisor's signature.

The notarized original shall be submitted to the local telephone company at least ten calendar days in advance of the placement and connection of the wiring. This time period may be changed by agreement of the telephone company and the supervisor. The copy shall be maintained at the premises, available for inspection, so long as the wiring is used for telephone service.

(f) *Acceptance testing for imbalance.* Each telephone network interface that is connected directly or indirectly to other than fully-protected premises wiring shall be subjected to the acceptance test procedures specified in this section whenever an operation associated with the installation, connection, reconfiguration or removal of this wiring (other than final removal) has been performed.

(1) *Test procedure for two-way or outgoing lines or loops.* A telephone instrument may be associated directly or indirectly with the line or loop to perform this test if one is not ordinarily available to it:

(i) Lift the handset of the telephone instrument to create the off-hook state on the line or loop under test.

(ii) Listen for noise. Confirm that there is neither audible hum nor excessive noise.

(iii) Listen for dial tone. Confirm that dial tone is present.

(iv) Break dial tone by dialing a digit. Confirm that dial tone is broken as a result of dialing.

(v) With dial tone broken, listen for audible hum or excessive noise. Confirm that there is neither audible hum nor excessive noise.

(2) *Test procedure for incoming-only (non-originating) lines or loops.* A telephone instrument may be associated directly or indirectly with the line or loop to perform this test if one is not ordinarily available to it:

(i) Terminate the line or loop under test in a telephone instrument in the on-hook state.

(ii) Dial the number of the line or loop under test from another station, blocking as necessary other lines or loops to cause the line or loop under test to be reached.

(iii) On receipt of ringing on the line or loop under test, lift the handset of the telephone instrument to create the off-hook state on that line or loop.

(iv) Listen for audible hum or excessive noise. Confirm that there is neither audible hum nor excessive noise.

(3) *Failure of acceptance test procedures.* Absence of dial tone before dialing, inability to break dial tone, or presence of audible hum or excessive noise (or any combination of these conditions) during test of two-way or outgoing lines or loops indicates failure. Inability to receive ringing, inability to break ringing by going off-hook, or presence of audible hum or excessive noise (or any combination of these conditions) during test of incoming-only lines or loops indicates failure. Upon any such failure, the failing equipment or portion of the premises communications system shall be disconnected from the network interface, and may not be reconnected until the cause of the failure has been isolated or removed. Any previously tested lines or loops shall be retested if they

were in any way involved in the isolation and removal of the cause of the failure.

(4) *Monitoring or participation in acceptance testing by the local telephone company.* The local telephone company may monitor or participate in the acceptance testing required under this section, in accordance with § 68.215(g) of this part, from its central office test desk or otherwise.

(g) *Extraordinary procedures.* The local telephone company is hereby authorized to limit the subscriber's right of connecting FCC-registered terminal equipment or protective circuitry with other than fully-protected premises wiring, but solely in accordance with this subsection and § 68.108 of these rules.

(1) *Conditions which may invoke these procedures.* The extraordinary procedures authorized herein may only be invoked where one or more of the following conditions is present:

(i) Information provided in the supervisor's affidavit gives reason to believe that a violation of Part 68 of the FCC's rules is likely.

(ii) A failure has occurred during acceptance testing for imbalance.

(iii) Harm has occurred, and there is reason to believe that this harm was a result of wiring operations performed under this section.

The extraordinary procedures authorized in the following sub-sections shall not be used so as to discriminate between installations by local telephone company personnel and installations by others. In general, this would require that any charges for these procedures be levied in accordance with, or analgous to, the "maintenance of service" tariff provisions: If the installation proves satisfactory, no charge should be levied.

(2) *Monitoring or participation in acceptance testing for imbalance.* Notwithstanding the previous sub-section, the local telephone company may monitor or particapate in acceptance testing for imbalance at the time of the initial installation of wiring in the absence of the conditions listed therein; at any other time, one or more of the listed conditions shall be present. Such monitoring or participation in acceptance testing should be performed from the central office test desk where possible to minimize costs.

(3) *Inspection.* Subject to paragraph (g)(1) of this section, the local telephone company may inspect wiring installed pursuant to this section, and all of the splicing and connection points required to be accessible by § 68.215(d)(3) to determine compliance with this section. The user or installation supervisor shall either authorize the telephone company to render the splicing and inspection points visible (e.g. by removing covers), or perform this action prior to the inspection. To minimize disruption of the premises communications system, the right of inspecting is limited as follows:

(i) During initial installation of wiring:

The telephone company may require withdrawal of up to 5 percent (measured linearly) of wiring run concealed in ducts, conduit or wall spaces, to determine conformance of the wiring to the information furnished in the affidavit.

(ii) After failure of acceptance testing or after harm has resulted from installed wiring:

The telephone company may require withdrawal of all wiring run concealed in ducts, conduit or wall spaces which reasonably could have caused the failure of harm, to determine conformance of the wiring to the information furnished in the affidavit.

In the course of any such inspection, the telephone company shall have the right to inspect documentation required to be maintained at the premises under § 68.215(e).

(4) *Requiring the use of protective apparatus.* In the event that any of the conditions listed in paragraph (g)(1) of this section, arises, and is not permanently remedied within a reasonable time period, the telephone company may require the use of protective apparatus which either protects solely against hazardous voltages, or which protects both against hazardous voltages and imbalance. Such apparatus may be furnished either by the telephone company or by the customer. This right is in addi-

tion to the telephone company's rights under § 68.108.

(5) *Notice of the right to bring a complaint.* In any case where the telephone company invokes the extraordinary procedures of § 68.215(g), it shall afford the customer the opportunity to correct the situation which gave rise to invoking these procedures, and inform the customer of the right to bring a complaint to the Commission pursuant to the procedures set forth in Subpart E of this part. On complaint, the Commission reserves the right to perform any of the inspections authorized under this section, and to require the performance of acceptance tests.

(h) *Limitations on the foregoing if protected wiring requiring acceptance testing is used.* If protected wiring is used which required acceptance testing, the requirements in the foregoing paragraphs of § 68.215 are hereby limited, as follows:

(1) *Supervision.* Section 68.215(c)(2)-(3) are hereby waived. The supervisor is only required to have had at least six months of on-the-job experience in the installation of telephone terminal equipment or of wiring used with such equipment.

(2) *Extraordinary procedures.* Section 68.215(g)(3) is hereby limited to allow for inspection of exposed wiring and connection and splicing points, but not for requiring the withdrawal of wiring from wiring run concealed in ducts, conduit or wall spaces unless actual harm has occurred, or a failure of acceptance testing has not been corrected within a reasonable time. In addition, § 68.215(g)(4) is hereby waived.

[43 FR 16499, Apr. 19, 1978, as amended at 44 FR 7958, Feb. 8, 1979; 47 FR 37896, Aug. 27, 1982; 49 FR 21735, May 23, 1984]

§ 68.216 Repair of registered terminal equipment and registered protective circuitry.

Repair of registered terminal equipment and registered protective circuitry shall be accomplished only by the manufacturer or assembler thereof or by their authorized agent; however, routine repairs may be performed by a user, in accordance with the instruction manual if the applicant certifies that such routine repairs will not result in noncompliance with the rules and regulations in Subpart D of this part.

§ 68.218 Responsibility of grantee of equipment registration.

(a) In applying for a grant of an equipment registration, the grantee warrants that each unit of equipment marketed under such grant will comply with all the applicable rules and regulations in Subpart D of this part.

(b) The grantee or its agent shall provide the user of the registered equipment the following:

(1) Instructions concerning installation, operational and repair procedures, where applicable.

(2) Instructions that registered terminal equipment or protective circuitry may not be used with party lines or coin lines.

(3) Instructions that when trouble is experienced the customer shall disconnect the registered equipment from the telephone line to determine if the registered equipment is malfunctioning and that if the registered equipment is malfunctioning, the use of such equipment shall be discontinued until the problem has been corrected.

(4) Instructions that the user must give notice to the telephone company in accordance with the requirements of § 68.106, and instructions specifying the Universal Service Order Code(s), other than RJ11 (see § 68.502), or means of connection of the equipment which may be required to be ordered from the telephone company if not already installed.

(5) For a telephone which is not hearing aid-compatible, as defined in § 68.316 of these rules:

(i) Notice that FCC rules prohibit the use of that handset in certain locations; and

(ii) A list of such locations (see § 68.112).

(6) For registered devices used in connection with 1.544 Mbps digita services, instructions that the use must notify the telephone company prior to disconnection of such registered devices.

A telephone company which provide and installs the registered equipmen need only provide the user with the information required in paragraphs (b)(1), (3) and (5) of this section.

(c) When registration is revoked for any item of equipment, the grantee is responsible to take all reasonable steps to ensure that purchasers and users of such equipment are notified of such revocation and are notified to discontinue use of such equipment.

(d) The grantee or its agent shall assure that any registered equipment or circuitry which is offered to a user shall be equipped with standard means of connection to the telephone network specified in Subpart F of this part.

[41 FR 8049, Feb. 24, 1976, as amended at 42 FR 32244, June 24, 1977; 49 FR 1363, Jan. 11, 1984; 50 FR 48209, Nov. 22, 1985]

§ 68.220 Cross reference.

Applications for registration of terminal equipment or protective circuitry shall, in addition to the requirements of this subpart, comply with the provisions of Subpart L of Part 2 of this chapter.

[42 FR 32244, June 24, 1977]

§ 68.222 AIOD trunk and station number verification.

(a) *Verification requirements*—(1) *General.* The proper identification of 4-digit PBX-central office trunk numbers and PBX station numbers for purposes of Automatic Identified Outward Dialing (AIOD) shall be verified as a part of initial installation and subsequent installer performed additions to and rearrangements of AIOD functions.

(2) *Trunk numbers.* A 4-digit trunk number identified for each PBX-central office trunk, when seized, shall be the same as the 4-digit trunk number assigned by the telephone company at the PBX-central office trunk interface.

(3) *Station numbers.* The 4-digit station number identified for each station, incoming tie trunk, and the attendant when connected to a PBX-central office trunk shall be verified to: (i) Be in the group of station numbers assigned by the telephone company and, (ii) be the same as the number assigned to or intended to correspond uniquely to the station, tie trunk, or attendant.

(b) *Verification personnel.* Operations associated with the verification of AIOD trunk and station number assignments shall be performed under the supervision and control of a supervisor, as defined in paragraph (c) of this section. The supervisor and installer may be the same person.

(c) *Supervision.* Operations by installation personnel shall be performed under the responsible supervision and control of a person who:

(1) Has at least six months of on-the-job experience in the installation of telephone terminal equipment;

(2) Has been trained by the registrant in the operation of the AIOD feature and in the performance of operations needed to verify proper identification procedures and results.

(3) Or, in lieu of paragraphs (c)(1) and (c)(2) of this section, is a licensed professional engineer in the jurisdiction in which the installation is performed.

(d) *Verification procedure.* The installation supervisor shall notify the telephone company that the required verification tests have been performed. Such notification need not be made in writing. Such notification shall include the following information:

(1) The responsible supervisor's full name, business address and business telephone number; and

(2) The date when AIOD service involving the trunk and station numbers verified will start, the date when the verification test took place, and a list of the trunk and station numbers actually assigned.

[45 FR 20853, Mar. 31, 1980]

§ 68.224 Notice of non-hearing aid compatibility.

Every non-hearing aid compatible telephone offered for sale to the public on or after August 17, 1989, whether previously-registered, newly registered or refurbished shall:

(a) Contain in a conspicuous location on the surface of its packaging a statement that the telephone is not hearing aid-compatible, as is defined in § 68.4(a)(3) of these rules, or if offered for sale without a surrounding package, shall be affixed with a written statement that the telephone is not hearing aid-compatible, as defined in § 68.4(a)(3) of these rules; and

(b) Be accompanied by instructions in accordance with § 68.218(b)(5) of the rules.

[54 FR 21431, May 18, 1989]

§ 68.226 Registration of Digital Systems Components.

Registered terminal equipment for connection to digital services may be registered as a component of a terminal equipment system. Such terminal equipment shall be connected to digital services only in a manner consistent with the registration code contained as part of the FCC registration number. Such codes shall be determined and assigned in the administration of the registration program.

[50 FR 48209, Nov. 22, 1985]

Subpart D—Conditions for Registration

AUTHORITY: Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082 (47 U.S.C. 154, 155, 303).

SOURCE: 45 FR 20853, Mar. 31, 1980, unless otherwise noted.

§ 68.300 Labelling requirements.

(a) Registered terminal equipment and registered protective circuitry shall have prominently displayed on an outside surface the following information in the following format:

Complies With Part 68, FCC Rules
FCC Registration Number ——————————
Ringer Equivalence ——————————

(b) Registered terminal equipment and registered protective circuitry shall also have the following identifying information permanently affixed thereto:

(1) Grantee's name

(2) Model number, as specified in the registration application

(3) Serial number or date of manufacture.

(4) Country of origin of the equipment: Made in ——. Required if the equipment is not manufactured in the United States. Country of origin shall be determined in accordance with 19
U.S.C. 1304 and regulations prom
gated thereunder.

(5) As used herein, "permanently
fixed" means that the required nam
plate data is etched, engrav
stamped, indelibly printed or oth
wise permanently marked. Alternati
ly, the required information may
permanently marked on a namepl
of metal, plastic, or other material f
tened to the enclosure by welding,
eting, etc., or with a permanent ad
sive. Such a nameplate must be able
last the expected lifetime of the equ
ment in the environment in which
equipment will be operated and m
not be readily detachable.

[45 FR 20853, Mar. 31, 1980, as amende
51 FR 944, Jan. 9, 1986]

§ 68.302 Environment simulation.

Registered terminal equipment
registered protective circuitry s
comply with all the criteria contai
in the rules and regulations in
subpart, both prior to and after
application of each of the mechan
and electrical stresses specified in
section, not withstanding that cert
of these stresses may result in par
or total destruction of equipment.

(a) *Vibration.* The equipment s
be subjected to vibration while in
condition that it is normally ship
or transported. That is, during the
lowing vibration test the equipm
shall be vibrated while package
shipped packaged, or the equipm
shall be vibrated while unpackage
shipped unpackaged. The followin
nusoidal vibration should be app
once in each of three orthogonal d
tions, however, for large equipme
the unit should rest on the bas
side on which it is normally ship
One sweep at a level of 0.5g peak f
5 to 100 Hz, and one sweep at a lev
1.5g peak from 100 to 500 Hz. The
100 Hz sweep should be conducted
sweep rate of 0.1 octave/min. (app
mately 45 minutes) and the 100 to
Hz sweep at a rate of 0.25 octave/
(approximately 10 minutes).

(b) *Temperature and humidity.*
cling at any convenient rate thr
the following temperature and hu
ity conditions three times: 30 min
at 150° F and 15 percent relative

midity, followed by 30 minutes at 90° F and 90 percent relative humidity, followed by 30 minutes at −40° F and any convenient humidity.

(c) *Shock.* (1) Registered Terminal Equipment and Registered Protective Circuitry Equipment Unpackaged:

Hand-Held Items Normally Used at Head Height:

18 random drops from a height of 60 inches onto concrete covered with ⅛ inch asphalt tile or similar surface.

Normally Customer Carried Equipment:

6 random drops from a height of 30 inches onto concrete covered with ⅛ inch asphalt tile or similar surface.

Equipment Not Normally Customer Carried:

These tests are made onto concrete covered with ⅛ inch asphalt tile or similar surface.

0-20 lbs: One 6-inch face drop on each normal or designated rest face, one 3-inch drop on all other faces, and one 3-inch corner drop on each corner.

20-50 lbs: One 4-inch face drop on each normal or designated rest face, one 2-inch face drop on all other faces, and one 2-inch corner drop on each corner.

50-100 lbs: One 2-inch face drop on each normal or designated rest face. One edgewise drop and one cornerwise drop from a height of 2 inches on each edge and corner adjacent to the rest face.

100-1,000 lbs: One 1-inch face drop on each normal or designated rest face. One edgewise drop and one cornerwise drop from a height of 1 inch on each edge and corner adjacent to the rest face.

Over 1,000 lbs: One 1-inch face drop on each normal or designated rest face. One edgewise drop from a height of 1 inch on each edge adjacent to this rest face.

(2) The drop tests specified in the mechanical shock conditioning stresses shall be performed as follows:

FACE DROP—The unit should be dropped such that the face to be struck is approximately parallel to the impact surface.

CORNER DROP—The unit should be dropped such that upon impact a line from the struck corner to the center of gravity of the packaged equipment is approximately perpendicular to the impact surface.

EDGEWISE DROP—The unit should be positioned on a flat test surface. One edge of the rest face should be supported with a block so that the rest face makes an angle of 20° with the horizontal. The opposite edge should be lifted the designated height above the test surface and dropped.

CORNERWISE DROP—The unit should be positioned on a flat test surface. One corner of the test face should be supported with a block so that the rest face makes an angle of 20° with the horizontal. The opposite corner should be lifted the designated height above the test surface and dropped.

RANDOM DROP—The unit should be positioned prior to release to ensure as nearly as possible that for every six drops there is one impact on each of the six major surfaces and that the surface to be struck is approximately parallel to the impact surface.

(d) *Metallic voltage surge.* Two 800-volt peak surges of a metallic voltage (one of each polarity) having a 10-microsecond *maximum* rise time to crest and a 560-microsecond *minimum* decay time to half crest applied between (1) tip and ring of a 2-wire connection; (2) between tip and ring, and tip 1 and ring 1 of a 4-wire connection; (3) between tip and tip 1 (with tip and ring tied together and tip 1 and ring 1 tied together) of a 4-wire connection which uses simplexed pairs for signaling; and (4) any other pair of connections on which lightning surges may occur (with one of the connections of the pair under test grounded) with the equipment in each of the following states:

(i) Any operational state which can affect compliance with the requirements of Part 68;

(ii) Any state in which the equipment might be connected to the telephone network and from which it is capable of transferring to an operational state by an automatic or manual action required for proper use of the equipment and provided that any such state can affect compliance with the requirements of Part 68; and

(iii) Any state in which the equipment might be connected to the telephone network through an automatic or manual action under all reasonably foreseeable possibilities of disconnection of connections of such equipment with primary commercial power sources (including possible loss of equipment grounding through disconnection of a third-wire ground connection contained in a primary power source plug).

All other equipment leads (telephone connections, auxiliary leads, and terminals for connection to nonregistered equipment) not being surged or connected to those being surged should be terminated in a manner which is no less severe than that which occur in normal use and affect compliance with Subpart D. Also, equipment states which cannot be achieved by normal means of power shall be achieved artificially by appropriate means, if necessary to comply with the above requirements. The peak current drawn from the surge generator must not be limited to less than 100 amperes by the capabilities of the surge generator except for the simplexed arrangement in case (3), which must not be limited to less than 200 amperes.

(e) *Longitudinal voltage surge.* With registered terminal equipment in each of the following states: first, any operational state which can affect compliance with the requirements of Part 68, second, any state in which the equipment might be connected to the telephone network and from which it is capable of transferring to an operational state by an automatic or manual action required for proper use of the equipment and provided that each state can affect compliance with the requirements of Part 68 and third, any state in which the equipment might be connected to the telephone network through an automatic or manual action under all reasonably foreseeable possibilities of disconnection of connections of such equipment with primary commercial power sources (including possible loss of equipment grounding through disconnection of a third-wire ground connection contained in a primary power source plug):

(1) Two 1500 volt peak surges (one of each polarity) having a 10 microsecond *maximum* rise time to crest and a 160 microsecond *minimum* decay time to half crest applied separately between each of the following leads individually and (i) and (ii) below, and where available, also between all of the following leads tied together and (i) and (ii) below: Tip, ring, tip 1, ring 1, M (only for registered terminal equipment located on the "A" side of a Type I E&M interface).

(i) Earth ground; and

(ii) All leads on the registered equipment intended for connection to non-registered equipment when these leads are connected together.

The peak current drawn from the surge generator must not be limited to less than 200 amperes by the capabilities of the surge generator.

(2) Two 1500 volt peak surges (one of each polarity) having a 10 microsecond *maximum* rise time to crest and a 160 microsecond *minimum* decay time to half crest applied between pairs of connections other than tip and ring on which lightning surges may occur, connected together, and individually to (i) and (ii) below:

(i) Earth ground; and

(ii) All leads on the registered equipment intended for connection to non-registered equipment when these leads are tied together.

The peak current drawn from the surge generator shall not be limited to less than 200 amperes by the capabilities of the surge generator.

(3) Six 2500 volt peak surges (three of each polarity) having a 2 microsecond *maximum* rise time to crest and a 10 microsecond *minimum* decay time to half crest applied between the phase and neutral terminals of the ac power line. The peak current drawn from the surge generator must not be limited to less than 1000 amperes by the capabilities of the surge generator.

All other equipment leads (telephone connections, auxiliary leads, and terminals for connection to non-registered equipment) not being surged or connected to those being surged should be terminated in a manner which is no less severe than that which would occur in normal use and affect compliance with Subpart D. Also, equipment states which cannot be achieved by normal means of power shall be achieved artificially by appropriate means, if necessary to comply with the above requirements.

(f) *Failure modes resulting from the application of metallic and longitudinal surges.* Registered terminal equipment and registered protective circuitry are permitted to reach a failure-mode state in violation of longitudinal balance requirements of § 68.310, and for terminal equipment connected to Local Area Data Channels a failure-mode state in violation of the longitudinal signal power requirements of § 68.308, after application of the electrical surges specified in paragraphs (d) and (e) herein, provided that: (1) Such failure results from an intentional, designed failure mode which has the effect of connecting telephone or auxiliary connections with earth ground; and, (2) if such a failure-mode state is reached, the equipment is designed in such a manner that it would become substantially and noticeably unusable by the user, or an indication is given to the user (e.g., an alarm), in order that such equipment can be immediately disconnected or repaired.

NOTE: The objective of this subsection is to allow for safety circuitry which diverts lightning-like transients to earth ground, but which may continue to maintain the earth ground connections after the transients have ceased. Such a failure-mode has the potential for causing interference resulting from longitudinal imbalance, and therefore designs must be adopted which will cause the equipment either to be disconnected or repaired rapidly after such a state is reached, should it occur in service. This subsection does not apply to tie trunk interface leads.

[45 FR 20853, Mar. 31, 1980, as amended at 50 FR 47549, Nov. 19, 1985; 51 FR 944, Jan. 9, 1986; 51 FR 15689, May 6, 1986]

§ 68.304 Leakage current limitations.

Registered terminal equipment and registered protective circuitry shall assure that, if a voltage source is connected to the combinations listed in the table below, of the following points on such equipment:

(a) All telephone connections,

(b) All power connections,

(c) All possible combinations of exposed conductive surfaces on the exterior of such equipment or circuitry excluding terminals for connection to other terminal equipment,

(d) All terminals for connection to nonregistered equipment,

(e) Points having a conducting path to the secondaries of any power supply,

(f) All auxiliary lead terminals, and

(g) All E&M lead terminals,

(h) All PR, PC, CY1 and CY2 leads,

and is gradually increased, from zero to the values listed in the table below, over a thirty second time period, then applied continuously for one minute, the current in the mesh formed by the voltage source and these points shall not exceed 10 milliamperes peak at any time during this 90 second time interval.

VOLTAGE APPLIED FOR VARIOUS COMBINATIONS OF ELECTRICAL CONNECTIONS

Voltage sources connected between	Value*
(a) and (c) note (5)	1000
(a) and (d) note (5)	1000
(a) and (f) note (5)	1000
(a) and (g) note (5)	1000
(a) and (h) note (6)	1000
(b) and (c)	1500
(b) and (d)	1500
(b) and (e)	1500
(b) and (h)	1500
(c) and (f)	1000
(c) and (g)	1000
(d) and (f)	1000
(d) and (g)	1000
(f) and (h)	1000

* Value to which test voltage is gradually increased, rms, 60 Hertz.

NOTES: (1) If, in any operational state, one of the telephone connections, auxiliary leads or E&M leads has an intentional conducting path to earth ground, that lead may be excluded from the leakage current test in that operational state. Connections excluded for this reason must comply with the requirements of § 68.306(c) in addition to the other applicable rules. However, leakage current tests between telephone connections and auxiliary leads, and between telephone connections and E&M leads are required unless both points have intentional conducting paths to earth ground.

(2) Terminal port connections to registered protective circuitry shall be treated as point (d) leads for the purposes of leakage current limitation.

(3) Leakage current limitations shall be met between each of the point (d) and point (f) leads and all pairs of tip and ring telephone connections. (Testing all pairs may be done by a sequence of appropriate combinations of pairs.)

(4) Equipment states which cannot be achieved by normal means of power shall be achieved artifically by appropriate means, if necessary to comply with the requirements of this section.

(5) For multi-unit equipment interconnected by cables, which is evaluated and registered as an interconnected combination or assembly, the specified 10 milliamperes peak maximum leakage current limitation, other than between power connection points and other points, may be increased as described here to accommodate cable capac-

itance. The leakage current limitation may be increased to (10N+0.04L) milliamperes peak where L is the length of interconnecting cable in the leakage path in feet and N is the number of equipment units which the combination or assembly will place in parallel across a telephone connection. However, all combinations of electrical connections requiring the increased limitation and involving point (c) (exposed conductive surfaces) surfaces must comply with the requirements of § 68.306(c) in addition to other applicable rules.

(6) Leakage current limitations shall be met between each of the point (h) leads and all pairs of tip and ring telephone connections.

[45 FR 20853, Mar. 31, 1980, as amended at 51 FR 944, Jan. 9, 1986]

§ 68.306 Hazardous voltage limitations.

(a) *General.* Under no condition of failure of registered terminal equipment or registered protective circuitry, or of equipment connected thereto, which can be conceived to occur in the handling, operation or repair of such equipment or circuitry, shall the open circuit voltage on telephone connections exceed 70 volts peak for more than one second, except for voltages for network control signaling and supervision, which, in any case, should be consistent with standards employed by the telephone companies.

(1) Registered terminal equipment shall assure that at the MR channel interface, no continuous ac or dc voltages appear across the tip (MR) and ring (MR) leads, from the tip (MR) lead to PBX ground, or from the ring (MR) lead to PBX ground.

(2) Registered terminal equipment shall assure that during normal operation, at an AIOD data channel interface, (i) no significant ac voltage to ground other than for data transmission appears on the tip (AI) and ring (AI) leads; (ii) no open circuit dc voltage to ground appears on the tip (AI) and ring (AI) leads other than in the range from 0 to −56.5 volts.

(3) Registered terminal equipment shall also assure that at either the MR channel interface or an AIOD data channel interface, voltage transients appearing on either the tip (AI or MR) or ring (AI or MR) to ground as a result of inductive components in the registered terminal equipment shall not be capable of delivering more than 2 joules to a 500 ohm resistive termination.

(4) *Type I E&M leads.* Conditions for "A" side of interface with conditions for "B" side in parentheses. Registered terminal equipment shall assure that (i) the dc current in the E lead does not exceed 100 milliamperes, (ii) no significant ac voltage to ground appears on the E&M leads,* (iii) no significant ac or dc voltage to ground appear on the (E) & (M) leads,* and (iv) the open circuit dc voltage to ground on the E&M leads does not exceed 56.5 volts and is not positive. M lead protection shall be provided to assure that voltages to ground do not exceed 80 volts. For relay contact implementation a power dissipation capability of 0.5 watt shall be provided in the shunt path. If the registered terminal equipment contains an inductive component in the E lead, it must assure that the transient voltage across the contact as a result of a relay contact opening, does not exceed the following voltage and duration limitations: (i) 300 volts peak, (ii) a rate of change of one volt per microsecond, and (iii) an 80 volt level for more than 10 milliseconds.

(5) *Type II E&M leads.* Conditions for "A" side of interface with conditions for "B" side in parentheses. Registered terminal equipment shall assure that (i) the dc current in the E and (SB) leads does not exceed 100 milliamperes and no significant ac voltage to ground appears on the E and (SB) leads,* (ii) no significant ac or dc voltages to ground appear on the M, SG, SB (E), (SG), and (M) leads from sources in the registered terminal equipment,* and (iii) the open circuit dc voltage to ground on the E and (SB) leads does not exceed 56.5 volts and is not positive. If the registered terminal equipment contains an inductive component in the E or (M) lead, it must assure that the transient voltage across the contact, as a result of a relay contact opening, does not exceed the following voltage and duration limitations; (i) 300 volts peak, (ii) a

---

* The ac component should not exceed 5 volts peak or the dc component 5 volts where not otherwise controlled by § 68.308

rate of change of one volt per microsecond, and (iii) an 80 volt level for more than 10 milliseconds.

(6) *Off-premises station voltages.*

(i) Talking battery or voltages applied by the PBX (or similar systems) to OPS interface leads for supervisory purposes must be negative with respect to ground, shall not exceed 56.5V dc for Classes A, B, and C, and shall not have a significant ac component.*

(ii) Ringing signals applied by the PBX (or similar systems) to OPS interface leads shall be applied for the purpose of station alerting only, and shall comply with requirements in paragraph (d) of this section. Ringing voltages shall be applied between the ring conductor and ground.

(7) For Local Area Data Channel interfaces, during normal operating modes including terminal equipment initiated maintenance signals, registered terminal equipment shall assure, except during the application of ringing (limitations specified in paragraph (d) of this section), with respect to telephone connections (tip, ring, tip 1, ring 1) that:

(i) Under normal operating conditions, the rms current per conductor between short-circuited conductors, including dc and ac components, does not exceed 350 milliamperes. For other than normal operating conditions, the rms current between any conductor and ground or between short-circuited conductors, including dc and ac components, may exceed 350 milliamperes for no more than 1.5 minutes.

(ii) The dc voltage between any conductor and ground does not exceed 80 volts. Under normal operating conditions it shall not be positive with respect to ground (though positive voltages up to 80 volts may be allowed during brief maintenance states);

(iii) Ac voltages are less than 42.4 volts peak between any conductor and ground, (Terminal equipment shall comply while other interface leads are both (A) unterminated and (B) individually terminated to ground); and,

(iv) Combined ac and dc voltages between any conductor and ground are less than 42.4 volts peak when the absolute value of the dc component is less than 21.2 volts, and less than (28.8 + 64 × Vdc) when the absolute value of the dc component is between 21.2 and 80 volts.

(8) During normal operation, registered terminal equipment for connection to ringdown voiceband private line interfaces or voiceband metallic channel interfaces shall assure that:

(i) Ringing voltage is used for alerting only, does not exceed the voltage and current limits specified in paragraph (d), and is: (A) applied to the ring conductor with the tip conductor grounded for 2-wire interfaces, or (B) simplexed on the tip and ring conductors with ground simplexed on the tip (1) and ring (1) conductors for 4-wire interfaces.

(ii) Except during the signaling mode or for monitoring voltage, there is no significant positive dc voltage with respect to ground (not over +5 volts): (A) for 2-wire ports between the tip lead and ground and the ring lead and ground, and (B) for 4-wire ports between the tip lead and ground, the ring lead and ground, the tip 1 lead and ground, and the ring 1 lead and ground.

(iii) The dc current per lead, under short circuit conditions shall not exceed 140 milliamperes.

(b) *Connection of nonregistered equipment to registered terminal equipment or registered protective circuitry*—(1) *General.* Leads to, or any elements having a conducting path to telephone connections, auxiliary leads or E&M leads shall:

(i) Be reasonably physically separated and restrained from and be neither routed in the same cable as nor use the same connector as leads or metallic paths connecting power connections;

(ii) Be reasonably physically separated and restrained from and be neither routed in the same cable as nor use adjacent pins on the same connector as metallic paths to leads to nonregistered equipment, when specification details provided to the Commission pursuant to § 68.200(g) do not show that interface voltages are less than non-hazardous voltage source limits in § 68.306(b)(4).

(2) *Connections to registered terminal equipment.* The voltage measurable between auxiliary leads, auxiliary

leads to ground, E&M leads and ground, tip and ring, tip to ground, ring to ground, tip 1 and ring 1, tip 1 to ground, and ring 1 to ground shall not exceed 70 volts peak for more than 1 second, with tip to ring, tip 1 to ring 1, and auxiliary lead to auxiliary lead each terminated with 1500 ohms center-tapped through 1000 ohms to ground and each E&M lead terminated in 1500 ohms to ground, if 120 volts rms 60 Hz, ac is applied between all connections to other equipment tied together (except connections to non-hazardous voltage sources) and ground. The source shall not be limited to less than 20 amperes continuously, not to less than 50 amperes for 1 minute, and shall not be interrupted by an overcurrent device permitting less total energy flow than a 20 ampere time delay fuse or breaker.

(3) *Connections to registered protective circuitry.* The voltage measurable between auxiliary leads, auxiliary leads to ground, E&M leads and ground, tip and ring, tip to ground, ring to ground, tip 1 and ring 1, tip 1 to ground, and ring 1 to ground shall not exceed 70 volts peak for more than 1 second, with tip to ring, tip 1 to ring 1 and auxiliary lead to auxiliary lead each terminated with 1500 ohms, center-tapped through 1000 ohms to ground, and each E&M lead terminated in 1500 ohms to ground if either 120 or 300 volts rms to 60 Hz. ac is applied:

(i) Between all protective circuitry connections other than telephone connections (and connection to non-hazardous voltage sources), tied together and ground; and

(ii) Across all protective circuitry connections, other than telephone connections (and connections to non-hazardous voltage sources) which have a transmission path to the telephone connections, with alternative leads grounded; under all reasonable applications of earth ground to the protective circuitry. The source shall not be limited to less than 20 amperes continuously, nor to less than 50 amperes for 1 minute, and shall not be interrupted by an overcurrent device permitting less total energy flow than a 20 ampere time delay fuse or breaker.

(4) *Non-hazardous voltage source.* A voltage source is considered a non-hazardous voltage source if it conforms with the requirements of §§ 68.302, 68.304, and 68.306(b)(1), with all connections to the source other than primary power connections treated as "telephone connections," and if such source supplies voltages no greater than the following under all modes of operation and of failure:

(i) Ac voltages less than 42.4 volts peak;

(ii) Dc voltages less than 80 volts; and

(iii) Combined ac and dc voltages less than 42.4 volts peak when the absolute value of the dc component is less than 21.2 volts and less than (28.8 + 0.64 × V dc) when the absolute value of the dc component is between 21.2 and 80 volts.

(c) *Hazards from exposed surfaces (to be applied for intentional conductive paths to ground as required by § 68.304).* The voltage measurable between auxiliary leads, auxiliary leads to ground, E&M leads and ground, tip and ring, tip and ground, ring and ground, tip 1 and ring 1, tip 1 and ground, ring 1 and ground, shall not exceed 70 volts peak for more than 1 second, with tip to ring, tip 1 and ring 1, and auxiliary lead to auxiliary lead each terminated with 1500 ohms, center-tapped through 1000 ohms to ground, and each E&M lead terminated in 1500 ohms to ground, if 120 volts rms 60 Hz. ac is applied between conductive exposed surfaces and ground. The source shall not be limited to less than 20 amperes continuously, nor to less than 50 amperes for 1 minute, and shall not be interrupted by an overcurrent device permitting less total energy flow than a 20 ampere time delay fuse or breaker.

(d) *Ringing sources.* Ringing sources, except for class A OPS interfaces, shall meet all of the following restrictions:

(1) The ringing signal shall use only frequencies whose fundamental component is equal to or below 70 Hz.[3]

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[3] 33 Hz may be the highest frequency necessary for OPS service.

(2) The ringing voltage shall be less than 300 V peak-to-peak and less than 200 V peak-to-ground across a resistive termination of at least 1 megohm.

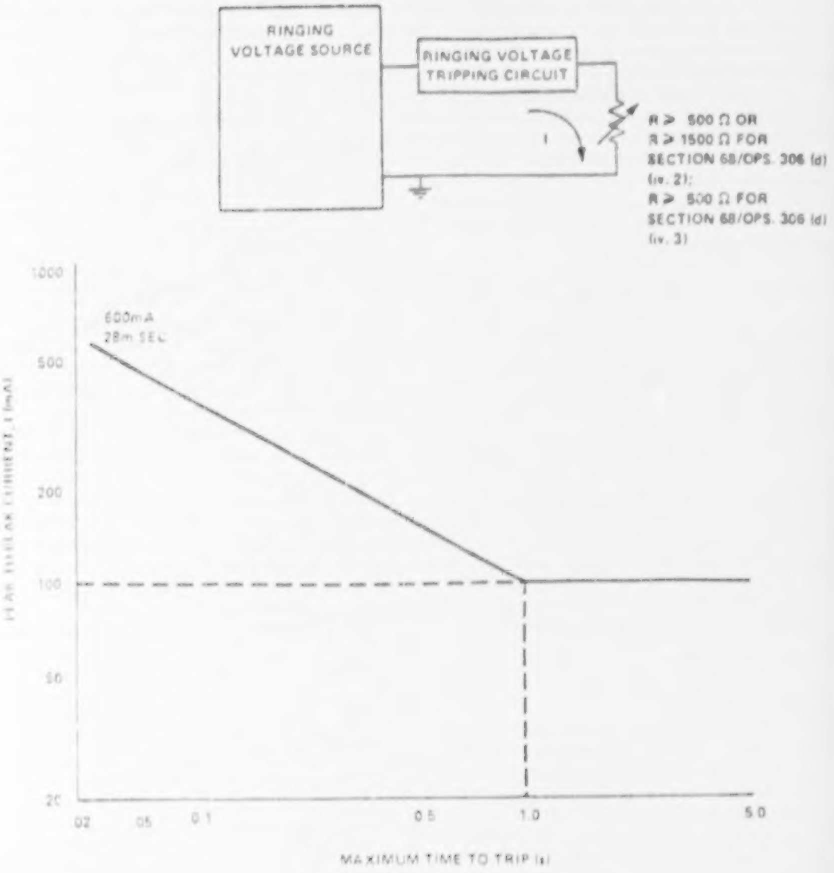
(3) The ringing voltage shall be interrupted to create quiet intervals of at least one second (continuous) duration each separated by no more than 5 seconds. During the quiet intervals, the voltage to ground shall not exceed the voltage limits given in paragraph (a)(6)(i) of this section.

(4) As specified below, ringing sources shall be required to (*a*) include a series current-sensitive tripping device in the ring lead which will trip ringing as specified in Figure 68.306(d), and/or (*b*) provide a voltage to ground (monitoring voltage) on the tip or ring conductor with a magnitude of at least 19 volts peak (but may not exceed the voltage limits given in paragraph (a)(6)(i) of this section) whenever the ringing voltage is not present (idle state). Tripping devices and/or monitoring voltages are required dependent upon the current flow through a specified resistance connected between the ringing source (R(OPS)) and ground as follows:

(i) If the current through a 500 ohms (and greater) resistor does not exceed 100 mA peak-to-peak, neither a tripping device nor a monitoring voltage are required, or

(ii) If the current through a 1500 ohms (and greater) resistor exceeds 100 mA peak-to-peak, the ringing source shall include a tripping device. If the tripping device meets the operating characteristics as specified in Figure 68.306(d) with R=500 ohms (and greater), then no monitoring voltage is required. If, however, the tripping device only meets the given operating characteristics with R=1500 ohms (and greater), then the ringing source must also include a monitoring voltage as described above, or

(iii) If the current through a 500 ohms (and greater) resistor exceeds 100 mA peak-to-peak but does not exceed this value of current with a 1500 ohms (and greater) termination, the ringing source shall include either a tripping device which meets the operating characteristics as specified in Figure 68.306(d) with R=500 ohms (and greater), or a monitoring voltage.



RINGING VOLTAGE TRIP CRITERIA

Fig. 68.306(d)

[45 FR 20854, Mar. 31, 1980, as amended at 45 FR 54342, Aug. 15, 1980; 45 FR 61632, Sept. 17, 1980; 47 FR 39686, Sept. 9, 1982; 51 FR 945, Jan. 9, 1986; 51 FR 16689, May 6, 1986]

§ 68.308 Signal power limitations.

(a) *General.* Limits on signal power shall be met at the interface for all 2-wire network ports and, where applicable to offered services, both transmit and receive pairs of all 4-wire network ports. Signal power measurements shall be made using terminations as specified in each of the following limitations. The transmit and receive pairs of 4-wire network ports shall be measured with the pair not under test connected to a termination equivalent to that specified for the pair under test. Through gain limitations apply only in the direction of transmission toward the network.

(b) *Voice band metallic signal power*—(1) *Limitations at the interface on internal signal sources not intended for network control signaling.*

(i) For registered terminal equipment or registered protective circuitry, connected to interfaces associated with services contained in § 68.2(a) (1), (2), and (7), other than data equipment or data protective circuitry which is registered in accordance with § 68.308(b)(4), the maximum power of other than live voice signals delivered to a loop simulator circuit shall not exceed −9dB with respect to one milliwatt, when averaged over any 3-second interval. No manufacturing tolerance is allowed which would permit this power to be exceeded by any unit of equipment.

(ii) For tie trunk type interfaces, the maximum power of other than live voice signals delivered to a 600 ohm termination shall not exceed the following:

MAXIMUM POWER WITH RESPECT TO ONE MILLIWATT WHEN AVERAGED OVER ANY 3-SECOND INTERVAL

2-wire	4-wire Lossless	4-wire CTS (b)
−15 dB(a)	−15 dB(a)	−10 dB, nom.

NOTES: (a) The maximum signal power may be exceeded by as much as 1.0 dB by a single unit of equipment or circuitry, provided that the power averaged over all units of production, complies with the specified limitations.

(b) The 4-Wire CTS shall meet the requirements for Tie Trunk Transmission Interfaces as defined in § 68.3.

(iii) For OPS lines, the maximum power of other than live voice signals delivered to an OPS line simulator circuit shall not exceed −13 dB with respect to one milliwatt, when averaged over any 3-second interval.

(iv) For AIOD channels, the maximum signal power delivered to an AIOD data channel simulator circuit in each of the following operating states shall not exceed −4 dB with respect to one milliwatt averaged over any 3-second time interval:

Simulator circuit [1]	AIOD tip and ring [2]
1	−42.5–56.5
2	0
3	0

[1] Operating state of simulator circuit.

[2] Remote terminal equipment open circuit DC volts to ground on AIOD tip and ring.

The maximum signal power may exceed −4 dB with respect to one milliwatt by as much as 1.0 dB provided that the power averaged over all units of the equipment complies with the specified maximum.

NOTE: The maximum signal power may be exceeded by as much as 1.0 dB by a single unit of equipment or circuitry, provided that the power, averaged overall units of production, complies with the specified limitations.

(v) For registered test equipment or registered test circuitry the maximum signal power delivered to a loop simulator circuit shall not exceed 0 dBm when averaged over any 3-second interval. No manufacturing tolerance is allowed which would permit this power to be exceeded by any unit of equipment.

(vi) For voiceband private lines using ringdown or inband signaling the maximum power of other than live voice signals delivered to a 600 ohm termination shall not exceed −13dBm when averaged over any 3-second interval.

(vii) For voiceband private lines using inband signaling in the band 2600±150 Hz, the maximum power delivered to a 600-ohm termination shall not exceed −8 dBm during the signaling mode. The maximum power delivered to a 600 Ohm termination in the on-hook steady state supervisory condition shall not exceed −20 dBm. The maximum power of other than live voice signals delivered to a 600-ohm termination during the non-signaling mode and for other inband systems shall not exceed −13dBm when averaged over any 3-second interval. The maximum signal power may be exceeded by as much as 1.0 dB by a single unit of equipment or circuitry, provided that the power averaged over all units of production complies with the specified limitation.

(2) *Limitations on internal signal sources primarily intended for network control signaling, contained in voice and data equipment.*

(i) For all operating conditions of registered terminal equipment and registered protective circuitry, the maximum power delivered to a loop simulator circuit shall not exceed one milliwatt when averaged over any 3-second interval.

(ii) For tie trunk applications, the maximum power delivered to a 600 ohm termination for registered terminal equipment and registered protective circuitry under all operating conditions shall not exceed the following:

MAXIMUM POWER WITH RESPECT TO ONE MILLIWATT, WHEN AVERAGED OVER ANY 3-SECOND INTERVAL

2-wire	4-wire Lossless	4-wire CTS
−4 dB	−4 dB	−8 dB, nom.

(3) *Registered one port and multiport terminal equipment and protective circuitry with provision for through transmission from other terminal equipment, excluding data equipment and data protective circuitry which are registered in accordance with § 68.308(b)(4).* (i) Where through-transmission equipment provides a dc electrical signal to equipment connected therewith (e.g., for powering of electro-acoustic transducers), dc conditions shall be provided which fall within the range of conditions provided by a loop simulator circuit unless the combination of the through-transmission equipment and equipment connected therewith is registered as a combination which conforms to § 68.308(b) (1) and (2).

(ii) Through-transmission equipment to which remotely connected data terminal equipment may be connected shall not be equipped with or connected to either a Universal or Programmed Data Jack used in data configurations. (See §§ 68.308(b)(4) and 68.502(e)).

(4) *Limitations on registered data terminal equipment and registered one-port protective circuitry with provision for through-transmission from data equipment.* When such equipment or circuitry is used for the transmission of data signals to the telephone network, it shall assure in all operating conditions, other than network control signaling (see § 68.308(b)(2) of this section), that one of the following limitations is met, depending upon the means of connection of the equipment or circuitry to the telephone network. The transmitted signal power, averaged over any 3-second time interval, delivered to a loop simulator circuit, shall not exceed:

(i) A maximum level adjustable to no greater than -4 dB with respect to one milliwatt, for connection to a Universal Data Jack used in the "fixed loss loop" configurations of § 68.502(e).

(ii) A maximum level determined by means of connections in the Programmed Data Jack or Universal Data Jack, used in the "programmed" configurations of § 68.502(e), which level can be programmed in 1 dB steps from −12 dB to 0 dB with respect to one milliwatt by means of programming connections made within the jack.

(iii) A nonadjustable level no greater than -9 dB with respect to one milliwatt for connection by means other than those which implement the limitations in paragraphs (b)(4)(i) and (ii) of this section. Equipment or circuitry designed in accordance with this -9 dBm limitation shall be treated as non-live voice equipment within these rules.

The maximum signal power specified in (paragraphs (b)(4) (i) and (ii) of this section may be exceeded by as much as 1.0 dB by a single unit of equipment or circuitry, provided that the powe averaged over all units of production complies with the specified limitations. The maximum signal powe specified in paragraphs (b)(4)(iii) o this section may not be exceeded by any units of production.

(5) *Registered one port and multi port terminal equipment and protec tive circuitry with provision fo through-transmission from ports t other equipment which is separatel registered for the public switched ne work, or ports to other network inte*

faces. (l) Registered terminal equipment and registered protectives circuitry shall have no adjustments that will allow net amplification to occur in either direction of transmission in the through-transmission path within the frequency range of 200 to 4000 Hertz that will exceed the following:

MAXIMUM ALLOWABLE NET AMPLIFICATION BETWEEN PORTS (A)(D)(E)(F)

From (F)	To	Tie Trunk Type Ports (C)					OPS Ports (2-Wire) (B)	Public Switched Network Ports (2 Wire)	HCC Digital PBX-CO 4-Wire
		2-Wire	4 Wire Lossless	4 Wire CTS	Subrate 1.544 Mbps Satell. 4 W	Subrate 1.544 Mbps Tandem 4 W			
Tie Trunk Type Ports (C)	2-W	0dB avg 1.5dB max	0dB avg 1.5dB max	−4dB nom.	0dB avg 1.5dB max	3dB avg 4.5dB max	−2dB avg −0.5dB max	–	–
	4-W Lossless	0dB avg 1.5dB max	0dB avg 1.5dB max	−4dB nom.	0dB avg 1.5dB max	3dB avg 4.5dB max	−2dB avg −0.5dB max	–	–
	4-W CTS	−4dB nom.	−4dB nom.	−8dB nom.	−4dB nom.	−1dB nom.	−6dB nom.	–	–
	Subrate 1.544 Mbps Satellite 4 W	0dB avg 1.5dB max	0dB avg 1.5dB max	−4dB nom.	0dB avg 1.5dB max	0dB avg 1.5dB max	0dB avg 1.5dB max	–	–
	Subrate 1.544 Mbps Tandem 4 W	−3dB avg −1.5dB max	−3dB avg −1.5dB max	−7dB nom.	0dB avg 1.5dB max	0dB avg 1.5dB max	0dB avg 1.5dB max	–	–
RTE (B)		−2dB avg −0.5dB max	−2dB avg −0.5dB max	−6dB nom.	−3dB avg −1.5dB max	−3dB avg −1.5dB max	0dB avg 1.5dB max	0dB avg 1.5dB max	−3dB avg −1.5dB max
OPS 2-W (B)		−2dB avg −0.5dB max	−2dB avg −0.5dB max	−6dB nom.	0dB avg 1.5dB max	0dB avg 1.5dB max	0dB avg 1.5dB max	0dB avg 1.5dB max	0dB avg 1.5dB max
Public Switch Net 2-W		–	–	–	–	–	0dB avg 1.5dB max	–	–
HCC Digital PBX-CO 4-W		–	–	–	–	–	0dB avg 1.5dB max	–	–

(A) The source impedance for all measurements shall be 600 ohms. All ports shall be terminated in *appropriate* loop or private line channel simulator circuits or 600 ohm terminations. The numerical "avg." and "max." requirements mean that the net gain for each type of connection through such equipment or circuitry shall be designed not to exceed the average gain for such paths in all units; however, the gain for any path of any single unit may exceed the average by as much as the maximum provided that the net gain, averaged over such paths in all units of production, is no greater than the average. The term "nom." allows for variations encountered in conventional terminating set losses as defined in § 68.3.

(B) These ports are for 2-wire on-premises station ports to separately registered terminal equipment.

(C) The 4-Wire CTS shall meet the requirements for Tie Trunk Transmission Interfaces as defined in § 68.3.

(D) These through gain limitations are applicable to multiport systems where channels are not derived by time or frequency compression methods. Terminal equipment employing such compression techniques shall assure that equivalent compensation for through gain parameters is demonstrated in the registration application.

(E) Registered terminal equipment and registered protective circuitry may have net amplification exceeding the limitations of this subsection provided that, for each network interface type to be connected, the absolute signal power levels specified on this section are not exceeded.

(F) The indicated gain is in the direction which results when moving from the horizontal entry toward the vertical entry.

(G) Registered terminal equipment or protective circuitry with the capability for through-transmission from voiceband private line channels or voiceband metallic channels to other telephone network interfaces shall assure that the absolute signal power levels specified in this section, for each telephone network interface type to be connected, are not exceeded.

(H) Registered terminal equipment or protective circuitry with the capability for through transmission from voiceband private line channels or voiceband metallic private line channels to other telephone network interfaces shall assure, for each telephone network interface type to be connected, that signals with energy in the 2450 to 2750 Hertz band are not through transmitted unless there is at least an equal amount of energy in the 800 to 2450 Hertz band within 20 milliseconds of application of signal.

(ii) The insertion loss in through connection paths for any frequency in the 800 to 2450 Hertz band shall not exceed the loss at any frequency in the 2450 to 2750 Hertz band by more than 1 dB (maximum loss in the 800 to 2450 Hertz band minus minimum loss in the 2450 to 2750 Hertz band plus 1 dB.

(6) *For tie trunk type interfaces—Limitation on idle circuit stability parameters.* For idle state operating conditions of registered terminal equipment and registered protective circuitry, the following limitations shall be met:

(i) For the two-wire interface

$$RL \geq \begin{cases} \left(9 - 3\,\dfrac{\log(f/200)}{\log 2.5}\right) \text{ dB}; & \text{for } 200 \text{ Hz} \leq f \leq 500 \text{ Hz} \\ 6 \text{ dB} & ; \text{ for } 500 \text{ Hz} \leq f \leq 3200 \text{ Hz} \end{cases}$$

(ii) For the four-wire lossless interface

$$tl_f \geq \begin{cases} (10-4\,\frac{\log(f/200)}{\log 2.5})\ \text{dB}; & \text{for } 200\ \text{Hz} \leq f \leq 500\ \text{Hz} \\ 6\ \text{dB} & ;\ \text{for } 500\ \text{Hz} \leq f \leq 3200\ \text{Hz} \end{cases}$$

$tl_r \geq 40$ dB

$RL_i, RL_o \geq 3$dB

(iii) For the four-wire conventional terminating set interface

$$tl_f,\ tl_r \geq \begin{cases} (18-4\,\frac{\log(f/200)}{\log 2.5})\ \text{dB}; & \text{for } 200\ \text{Hz} \leq f \leq 500\ \text{Hz} \\ 14\ \text{dB} & ;\ \text{for } 500\ \text{Hz} \leq f \leq 3200\ \text{Hz} \end{cases}$$

$RL_i,\ RL_o \geq$ 3 dB

where RL the return loss of 2-wire terminal equipment at the interface with respect to 600 ohms + 2.16 uF (i.e., Z_{ref} = 600 ohms + 2.16 uF).

$$RL \triangleq 20 \log_{10} \left| \frac{Z_{PBX} + Z_{ref}}{Z_{PBX} - Z_{ref}} \right|$$

RL_i the terminal equipment input (receive) port return loss with respect to 600 ohms (i.e., Z_{ref} = 600 ohms).

$$RL_i \triangleq 20 \log_{10} \left| \frac{Z_{PBX\ (input)} + Z_{ref}}{Z_{PBX\ (input)} - Z_{ref}} \right|$$

RL_o the terminal equipment output (transmit) port return loss with respect to 600 ohms (i.e., Z_{ref} = 600 ohms).

$$RL_o \triangleq 20 \log_{10} \left| \frac{Z_{PBX\ (output)} + Z_{ref}}{Z_{PBX\ (output)} - Z_{ref}} \right|$$

tl - the transducer loss between the receive and transmit ports of the 4-wire PBX.

tl_f is the transducer loss in the forward direction from the receive port to the transmit port of the PBX.

$tl_f \triangleq 20 \log_{10} \left| \frac{I_i}{I_r} \right|$ where I_i is the current sent into the receive port and I_r is the current received at the transmit port terminated at 600 ohms.

tl_r is the transducer loss in the reverse direction, from the transmit port to the receive port of the PBX.

$tl_r \triangleq 20 \log_{10} \left| \frac{I_i}{I_r} \right|$ where I_i is the current sent into the transmit port and I_r is the current received at the receive port terminated at 600 ohms.

Note: The source impedance of I_i is 600 ohms.

(7) *Registered terminal equipment and registered protective circuitry shall provide the following range of dc conditions to off-premises station (OPS) lines.* (i) DC voltages applied to the OPS interface for supervisory purposes and during network control signaling shall meet the limits specified in § 68.306(a)(6)(i).

(ii) DC voltages applied to the OPS interface during the talking state shall meet the following requirements:

(A) The maximum open circuit voltage across the tip (T(OPS)) and ring (R(OPS)) leads for Classes A, B, and C shall not exceed 56.5 volts, and

(B) Except for class A OPS interfaces, the maximum dc current into a short circuit across the tip (T(OPS)) and ring (R(OPS)) leads shall not exceed 140 mA, and

(C) Except for class A OPS interfaces, the dc current into the OPS line simulator circuit must be at least 20 mA for the following conditions (see Fig. 68.3(f)):

(8) For Message Registration the requirements of § 68.308(b) do not apply.

(9) For connections to 1.544 Mbps digital services, the permissible code words for unequipped Mu-255 encoded subrate channels are limited to those corresponding to signals of either polarity, of magnitude equal to or less than X48, where code word, XN is derived by:

XN=(255-N) base 2

-XN=(127-N) base 2

(c) *Signal power in the 3995–4005 Hz frequency band*—(1) *Power resulting from internal signal sources contained in registered protective circuitry and registered terminal equipment (voice and data), not intended for network control signaling.* For all operating conditions of registered terminal equipment and registered protective circuitry which incorporate signal sources other than sources intended for network control signaling, the maximum power delivered by such sources in the 3995–4005 Hertz band to an appropriate simulator circuit, shall be 18 dB below maximum permitted power specified in paragraph (b) of this section, for the 200–4000 Hertz band.

(2) *Terminal equipment with provision for through-transmission from other equipments.* The loss in any through transmission path of registered terminal equipment and registered protective circuitry at any frequency in the 600 to 4000 Hertz band shall not exceed, by more than 3 dB, the loss at any frequency in the 3995 to 4005 Hertz band, when measured into an appropriate simulator circuit from a source which appears as 600 ohms across tip and ring.

(3) For Message Registration the requirements of § 68.308(c) do not apply.

(d) *Longitudinal voltage at frequencies below 4 kHz.* The weighted root-mean-squared voltage[*] averaged over 100 milliseconds that is the resultant of all of the component longitudinal voltages in the 100 Hz to 4 kHz band after weighting according to the curve of Figure 68.308(a), shall not exceed the maximum indicated under the conditions stated in paragraph (g). The weighting curve in Figure 68.308(a) has an absolute gain of unity at 4 kHz.

Frequency range	Maximum RMS voltage	Impedance
100 Hz to 4 kHz	−30 dBV	500 ohms

(e) *Voltage in the 4 kHz to 6 MHz frequency range—general case—2-wire and 4-wire lossless interface—4-wire CTS interface (except LADC).* Except as noted, the root-mean-squared (RMS) voltage as averaged over 100 milliseconds at the telephone connections of registered terminal equipment and registered protective circuitry in all of the possible 8 kHz bands within the indicated frequency range and under the conditions specified in paragraph (g) shall not exceed the maximum indicated below. For (1)(i) and (2)(i) below, "f" is the center frequency in kHz of each of the possible 8 kHz bands beginning at 8 kHz.

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[*] Note: Average magnitudes may be used for signals that have peak-to-RMS ratios of 20 dB and less. RMS limitations must be used instead of average values if the peak-to-RMS ratio of the interfering signal exceeds this value.

(1) *Metallic voltage*—(i) *4 kHz to 270 kHz.*

Center frequency (f) of 8 kHz band	Max voltage in all 8 kHz bands	Metallic terminating impedance
8 kHz to 12 kHz.	−(6.4+12.6 logf) dBV	300 ohms
12 kHz to 90 kHz.	(23–40 logf) dBV	135 ohms
90 kHz to 266 kHz.	−55 dBV	135 ohms

(ii) *270 kHz to 6 MHz.* The RMS value of the metallic voltage components in the frequency range of 270 kHz to 6 MHz shall, averaged over 2 microseconds, not exceed −15 dBV. This limitation applies with a metallic termination having an impedance of 135 ohms.

(2) *Longitudinal voltage*—(i) *4 kHz to 270 kHz.*

Center frequency (f) of 8 kHz band	Max voltage in all 8 kHz bands	Longitudinal terminating impedance
8 kHz to 12 kHz.	−(18.4+20 logf) dBV	500 ohms
12 kHz to 42 kHz.	(3–40 logf) dBV	90 ohms
42 kHz to 266 kHz.	−62 dBV	90 ohms

(ii) *270 kHz to 6 MHz.* The RMS value of the longitudinal voltage components in the frequency range of 270 kHz to 6 MHz shall, not exceed −30 dBV. This limitation applies with a longitudinal termination having an impedance of 90 ohms.

(f) *LADC interface.* The metallic voltage shall comply with the general requirements in (1) below as well as the additional requirements specified in (2) and (3) as stated. The requirements apply under the conditions specified in paragraph (g). Terminal equipment for which the magnitude of the source and/or terminating impedance exceeds 300 ohms, at any frequency in the range of 100 kHz to 6 MHz, at which the signal (transmitted and/or received) has significant power, shall be deemed not to comply with these requirements. A signal is considered to have "significant power" at a given frequency if that frequency is contained in a designated set of frequency bands which collectively have the property that the RMS voltage of the signal components in those bands is at least 90% of the RMS voltage of the total signal. The designated set of frequency bands must be used in testing all frequencies.

(1) *Metallic voltages—frequencies below 4 kHz*—(i) *Weighted RMS Voltage in the 10 Hz to 4 kHz Frequency Band.* The weighted root-mean-square (rms) metailic voltage averaged over 100 milliseconds, frequency components weighted according to the curve in Figure 68.308(a), shall not exceed the maximum indicated below. The weighting curve in Figure 68.308(a) has an absolute gain of unity at 4 kHz.

Frequency range	Maximum voltage
10 Hz to 4 kHz	+3 dBV

(ii) *RMS voltage in 100 Hz bands in the frequency range 0.7 kHz to 4 kHz.* The root-mean-squared (rms) metallic voltage averaged over 100 milliseconds in the 100-Hz bands having center frequencies between 750 Hz and 3950 Hz shall not exceed the maximum indicated below.

Center frequency (f) of 100-Hz bands	Maximum voltage
750 to 3950 Hz	−6 dBV

(2) *Metallic voltages—frequencies above 4 kHz—LADC interface*—(i) *100 Hz Bands over frequency range of 4 kHz to 270 kHz.* The root-mean-square (rms) voltage as averaged over 100 milliseconds in all possible 100 Hz bands between 4 kHz and 270 kHz for the indicated range of center frequencies and under the conditions specified in paragraph (g) shall not exceed the maximum indicated below:

Center frequency (f) of 100 Hz bands	Maximum voltage in all 100 Hz bands
4.05 kHz to 4.60 kHz	0.5 dBV
4.60 kHz to 5.45 kHz	(59.2–90 log f)dBV
5.45 kHz to 59.12 kHz	(7.6–20 log f)dBV
59.12 kHz to 266.00 kHz	(43.1–40 log f)dBV

Where f=center frequency in kHz of each of the possible 100 Hz bands.

(ii) ***8 kHz bands over frequency range of 4 kHz to 270 kHz.*** **The root-mean-square (rms) voltage as average over 100-milliseconds in all of the possible 8 kHz bands between 4 kHz and 270 kHz** for the indicated range of center frequencies and under the conditions specified in paragraph (g) shall not exceed the maximum indicated below:

Center frequency of (f) 8 kHz bands	Maximum voltage in all 8 kHz bands
8 kHz to 120 kHz	(17.6–20 log f)dBV
20 kHz to 266 kHz	(59.2–40 log f)dBV

Where f = center frequency in kHz of each of the possible 8 kHz bands.

(iii) ***RMS voltage at frequencies above 270 kHz.*** **The root-mean-square (rms) value of the metallic voltage components in the frequency range of 270 kHz to 6 mHz shall, averaged over 2 microseconds, not exceed −15 dBV. This limitation applies with a metallic termination having an impedance of 135 ohms.**

(iv) ***Peak voltage.*** **The total peak voltage for all frequency components in the 4 kHz to 6 MHz shall not exceed 4.0 volts.**

(3) *Longitudinal voltage*—(i) *Frequencies below 4 kHz.*

With the frequency components weighted in accordance with the curve in Figure 68.308(a), the weighted root-mean-square voltage of all frequency components, in the frequency band from 10 Hz to 4 kHz, averaged over 100 milliseconds, shall not exceed the maximum indicated below under the conditions stated in paragraph (g). The weighting curve in Figure 68.308(a) has an absolute gain of unity at 4 kHz.

Frequency range	Max RMS voltage
10 Hz–4kHz	−37 dBV

(ii) **4 kHz to 270 kHz**

Center frequency (f) of 8 kHz band	Max voltage in all 8 kHz bands	Longitudinal terminating impedance
8 kHz to 12 kHz.	−(18.4 + 20logf) dBV	500 ohms
12 kHz to 42 kHz.	(3–40logf) dBV	90 ohms
42 kHz to 266 kHz.	−62 dBV	90 ohms

Where f = center frequency in kHz of each of the possible 8 kHz bands.

(iii) ***270 kHz to 6 MHz.*** **The root-mean-square (RMS) value of the longitudinal voltage components in the frequency range of 270 kHz to 6 MHz shall, averaged over 2 microseconds, not exceed −30 dBV. This limitation applies with a longitudinal termination having an impedance of 90 ohms.**

(g) Requirements in paragraphs (d), (e) and (f) apply under the following conditions:

(1) All registered terminal equipment, except equipment to be used on LADC, and all registered protective circuitry must comply with the limitations when connected to a termination equivalent to the circuit depicted in Figure 68.308(b) and *when placed in all operating states of the equipment except* during network control signaling. For message registration in the ground return mode, a termination equivalent to Figure 68.308(c) is required, and metallic voltage limitations do not apply. LADC registered terminal equipment must comply with the metallic voltage limitations when connected to the circuits of Figure 68.3(k) and must comply with the longitudinal limitations when connected to the circuits of Figure 68.308(b), as indicated.

(2) All registered terminal equipment and registered protective circuitry must comply with the limitations in the offhook state over the range of loop current that would flow with the equipment *connected* to an appropriate loop simulator circuit.

(3) Registered terminal equipment and registered protective circuitry with provision for through-transmission from other equipments shall comply with the limitations with a 1000 Hz tone applied *from a 600-ohm source (or, if appropriate, a source which reflects a 600-ohm impedance across tip and ring) at the maximum*

level that would be applied during normal operation. Registered protective circuitry for data shall also comply with the tone level 10 dB higher than that expected during normal operation.

(4) Voice terminal equipment containing electroacoustic transducers for live voice input, including recording devices, shall comply with the limitations with a 1000 Hz acoustic signal applied to the electroacoustic transducers that results in a power delivered into a 600 ohm load impedance of −13 dB with respect to one milliwatt for the 2-wire and 4-wire lossless interfaces and −19 dB with respect to one milliwatt for the 4-wire CTS interface.

(5) Except during the transmission of ringing (§ 68.306(d)) and Dual Tone Multifrequency (DTMF) signals, LADC registered terminal equipment shall comply with all requirements in all operating states and with loop current which may be drawn for such purposes as loop back signaling. The requirements in § 68.308(f)(1) except in paragraphs (i) and (ii) also apply during the application of ringing. The requirement in § 68.308(d)(2) and the requirements in § 68.308(f)(1) (i) and (ii) apply during ringing for frequencies above 300 Hz and with the maximum voltage limits raised by 10 dB. DTMF signals which are used for the transmission of alphanumeric information and which comply with the requirements in § 68.308(f)(1)((i) and in § 68.308(f)(2) or (3) as applicable, shall be deemed to comply with the requirements in § 68.308(f)(1)(ii) provided that, for automatically originated DTMF signals, the duty cycle is less than 50 percent.

(6) LADC registered terminal equipment shall comply with all applicable requirements, except those specified in § 68.308(f)(1) (i) and (ii), during the transmission of each possible data signal sequence of any length. For compliance with § 68.308(f)(3)(i), the limitation applies to the rms voltage averaged as follows:

(i) For digital signals, baseband or modulated on a carrier, for which there are defined signal element intervals, the rms voltage is averaged over each such interval. Where multiple carriers are involved, the voltage is the power sum of the rms voltages for the signal element intervals for each carrier.

(ii) For baseband analog signals, the rms voltage is averaged over each period (cycle) of the highest frequency of the signal (3 dB point on the spectrum). For analog signals which are modulated on a carrier (whether or not the carrier is suppressed), it is averaged over each period (cycle) of the carrier. Where multiple carriers are involved, the voltage is the power sum of the rms voltage of each carrier.

(iii) For signals other than the types defined in paragraphs (g)(6) (i) and (ii) of this section, the peak amplitude of the signal must not exceed +1 dBV.

(7) Equipment shall comply with the requirements in § 68.308(f)(1) (i) and (ii) during any data sequence which may be transmitted during normal use with a probability greater than 0.001. If the sequences transmitted by an equipment are application dependent, the user instruction material shall include a statement of any limitations assumed in demonstrating compliance of the equipment.

(8) In addition to the conditions specified in paragraph (g)(5) of this section, LADC registered terminal equipment which operates in one or more modes as a receiver shall comply with requirements in § 68.308(f)(3) with a tone at all frequencies in the range of potential received signals and at the maximum power which may be received.

(h) *Interference limitations for transmission of bipolar signals over digital services*—(1) *Limitations on Terminal Equipment Connecting to Subrate Digital Services*—(i) *Pulse repetition rate.* The pulse repetition rate shall be synchronous with 2.4, 4.8, 9.6 or 56.0 kilobits per second.

(ii) *Template for maximum output pulse.* When applied to a 135 ohm resistor, the instantaneous amplitude of the largest isolated output pulse obtainable from the registered terminal equipment shall not exceed by more than 10% the instantaneous voltage defined by a template obtained as follows: The limiting pulse template shall be determined by passing an ideal 50% duty cycle rectangular pulse with the amplitude/pulse rate characteristics defined in Table I through a single real pole low pass filter having a cutoff frequency in Hertz equal to 1.3 times the bit rate. For bit rates of 2.4, 4.8 and 9.6 kbps, the filtered pulses shall also be passed through a filter providing the additional attenuation in Table II.

TABLE I—DRIVING PULSE AMPLITUDE

Pulse rate (R) (kbps)	Amplitude (A) (volts)
2.4	1.66
4.8	1.66
9.6	0.83
56.0	1.66

TABLE II—MINIMUM ADDITIONAL ATTENUATION

Pulse rate (R) (kbps)	Frequency band 24 to 32 kHz (dB)	Frequency band 72 to 80 kHz (dB)
2.4	5	1
4.8	13	9
9.6	17	8

The attenuation indicated may be reduced at any frequency within the band by the weighting curve of Figure 68.308(d). Minimum rejection is never less than 0 dB; i.e., the weight does not justify gain over the system without added attenuation.

(iii) *Average power.* The average output power when a random signal sequence, (0) or (1) equiprobable in each pulse interval, is being produced as measured across a 135 ohm resistance shall not exceed 0 dBm for 9.6 kbps or +6 dBm for 2.4 kbps, 4.8 kbps and 56 kbps.

(iv) *Encoded analog content.* If registered terminal equipment connecting to subrate services contains an analog-to-digital converter, or generates signals directly in digital form which are intended for eventual conversion into voiceband analog signals, the encoded analog content of the digital signal must be limited. The maximum equivalent power of encoded analog signals for other than live voice as derived by a zero level decoder test configuration shall not exceed −12 dBm when averaged over any 3-second time interval. The maximum equivalent power of encoded analog signals as derived by a zero level decoder test configuration for signals intended for network control signaling shall not exceed −3 dBm when averaged over any 3-second interval.

(2) Limitations on Terminal Equipment Connecting to 1.544 Mbps Digital Services—

(i) *Pulse repetition rate.* The pulse repetition rate shall be within ± 75 pulses per second of 1.544 x 10^6 pulses per second.

(ii) *Output pulse templates.* The registered terminal equipment shall be capable of optionally delivering three sizes of output pulses. The output pulse option shall be selectable at the time of installation.

TABLE III

Pulse height (volts)	2.4 to 3.3
Pulse width (half amplitude) (nsec)	324±45
Maximum rise or fall time: from 10% to 90% points (nsec)	100

(A) *Option A output pulse.* When applied to a 100 ohm resistor, the instantaneous amplitude of the largest output pulse obtainable from the registered terminal equipment shall fall within the pulse template defined in Table III.

(B) *Option B output pulse.* When applied to a 100 ohm resistor, the instantaneous amplitude of the output from the registered terminal equipment obtained when Option B is implemented shall fall within the pulse template obtained by passing the bounding pulses permitted by Table III through the following transfer function.

$$\frac{V_{out}}{V_{in}} = \frac{n_2 S^2 + n_1 S + n_0}{d_3 S^3 + d_2 S^2 + d_1 S + d_0}$$

where:

$n_0 = 1.6049 \times 10^6$
$n_1 = 7.9861 \times 10^{-1}$
$n_2 = 9.2404 \times 10^{-8}$
$d_0 = 2.1612 \times 10^6$
$d_1 = 1.7223$
$d_2 = 4.575 \times 10^{-7}$
$d_3 = 3.8307 \times 10^{-14}$
$S = j2\pi f$
f = frequency (Hertz)

(C) *Option C output pulse.* When applied to a 100 ohm resistor, the instantaneous amplitude of the output from the registered terminal equipment obtained when Option C is implemented shall fall within the pulse template obtained by passing the pulses obtained in Option B through the transfer function in Option B a second time.

(iii) *Adjustment of signal voltage.* The signal voltage at the network interface must be limited so that the range of pulse amplitudes received at the first Telephone Company repeater is controlled to ±4dB. This limitation is achieved by implementing the appropriate output pulse option as a function of Telephone Company cable loss as specified at time of installation.

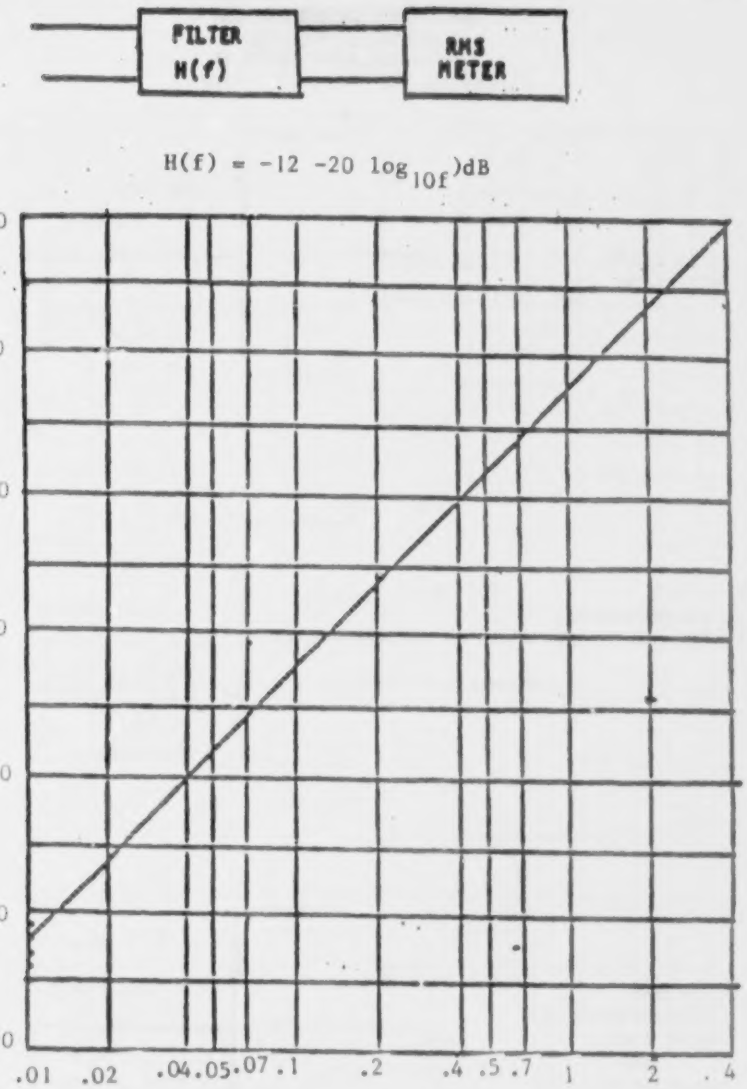
Cable loss at 772 kHz (dB)	Terminal equipment	
	Output pulse	Loss at 772 kHz
15 to 22	Option A	0
7.5 to 15	Option B	7.5
0 to 7.5	Option C	15.0

(iv) *Output power.* The output power in a 3 kHz band about 772 kHz when an all ones signal sequence is being produced as measured across a 100 Ohm terminating resistance shall be within the following limits:

Output pulse option	Power in 3 kHz band about 772 kHz (dBm)
A	12 to 19
B	4.5 to 11.5
C	−3 to + 4

The power in a 3 kHz band about 1.544 Mhz shall be at least 25dB below that in a 3 kHz band about 772 kHz.

(v) *Encoded analog content.* If registered terminal equipment connected to 1.544 Mbps digital service contains an analog-to-digital converter, or generates signals directly in digital form which are intended for eventual conversion into voiceband analog signals, the encoded analog content of the subrate channels within the 1.544 Mbps signal must be limited. The maximum equivalent power of encoded analog signals for other than live voice that are not intended for network control signaling as derived by a zero level decoder test configuration shall not exceed -12 dBm when averaged over any 3-second time interval. The maximum equivalent power of encoded analog signals as derived by a zero level decoder test configuration for signals intended for network control signaling shall not exceed -3 dBm when averaged over any 3-second interval.



WEIGHTING FUNCTION RESPONSE

Fig. 68.308(a)

RESISTIVE TERMINATIONS
METALLIC RETURN
(MR SIMULATOR MODE 1)

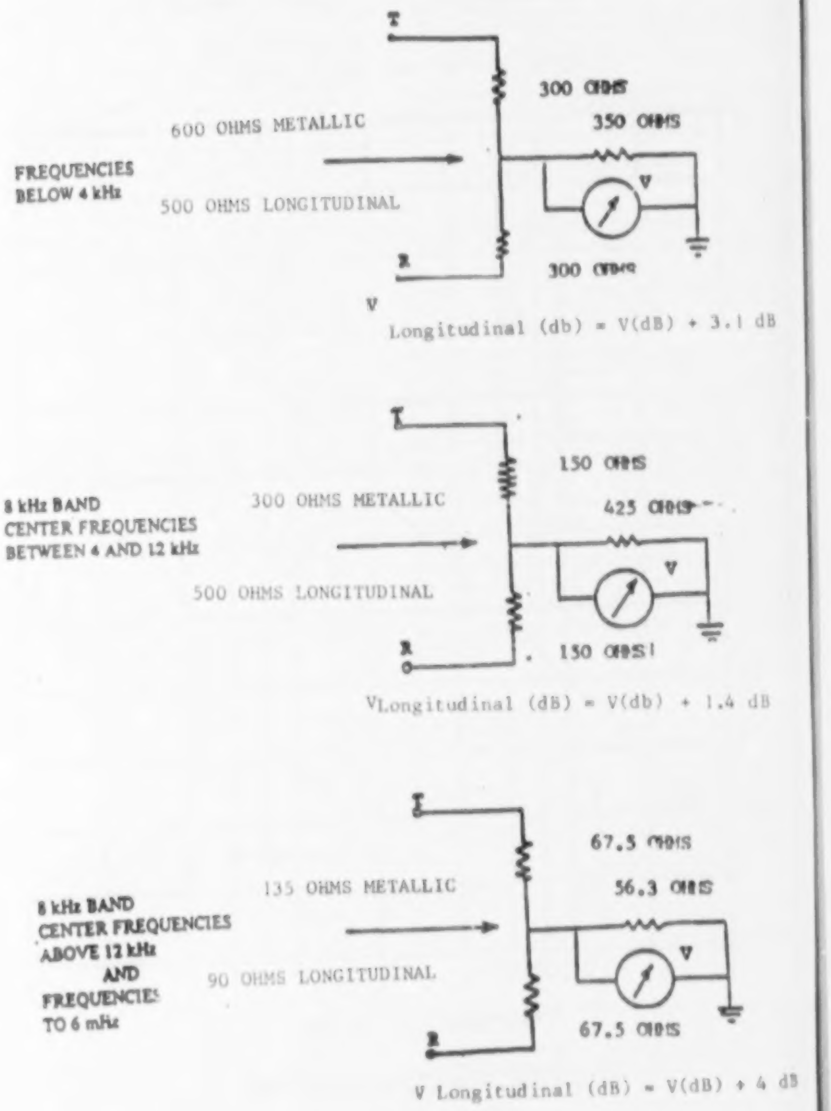
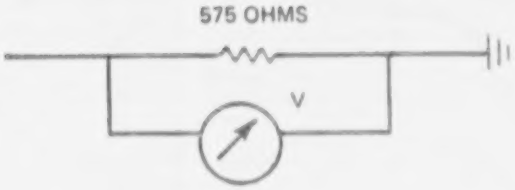

T
300 OHMS
600 OHMS METALLIC
350 OHMS
FREQUENCIES BELOW 4 kHz
V
500 OHMS LONGITUDINAL
R
300 OHMS
V
Longitudinal (db) = V(dB) + 3.1 dB
T
150 OHMS
8 kHz BAND CENTER FREQUENCIES BETWEEN 4 AND 12 kHz
300 OHMS METALLIC
425 OHMS
V
500 OHMS LONGITUDINAL
R
150 OHMS
VLongitudinal (dB) = V(db) + 1.4 dB
T
67.5 OHMS
135 OHMS METALLIC
56.3 OHMS
8 kHz BAND CENTER FREQUENCIES ABOVE 12 kHz AND FREQUENCIES TO 6 mHz
V
90 OHMS LONGITUDINAL
R
67.5 OHMS
V Longitudinal (dB) = V(dB) + 4 dB

FIGURE 68.308(b)

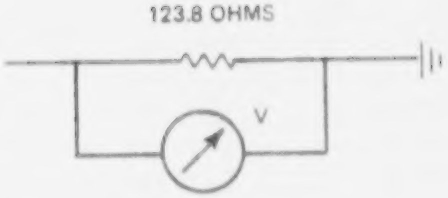
RESISTIVE TERMINATIONS
GROUND RETURN
(MR SIMULATOR MODE 2)

BELOW 12 KHz



$V_{LONGITUDINAL} = V/2$ (dBV)

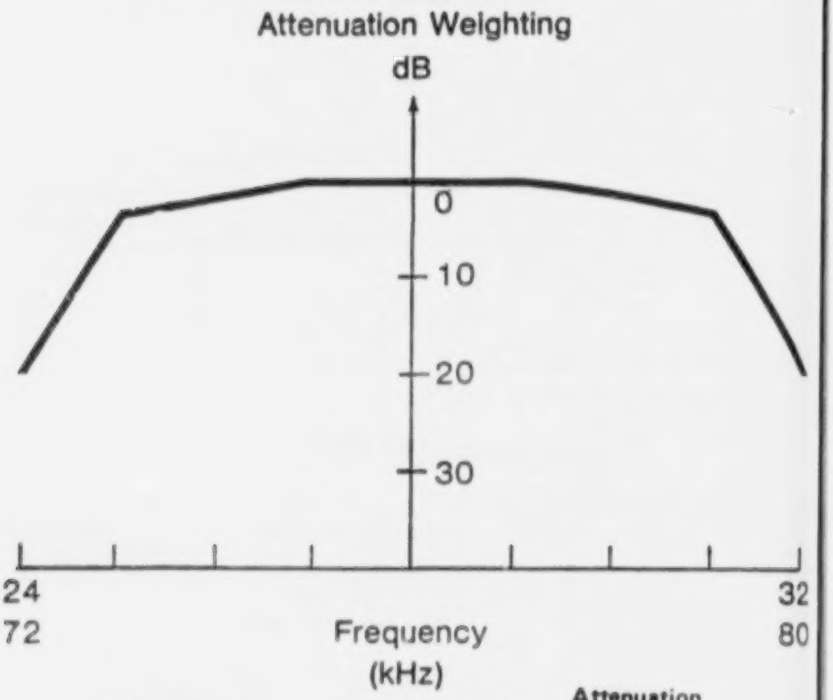
ABOVE 12 KHz



$V_{LONGITUDINAL} = V/2$ (dBV)

FIGURE 68.308(c)

ATTENUATION WEIGHTING CURVE



24-32 khz Band	72-80 khz Band	Attenuation Factor
24 khz	72 khz	-18 dB
25 khz	73 khz	- 3 dB
26 khz	74 khz	- 1 dB
27 khz	75 khz	0
28 khz	76 khz	0
29 khz	77 khz	0
30 khz	78 khz	- 1 dB
31 khz	79 khz	- 3 dB
32 khz	80 khz	-18 dB

Figure 68.308(d)

[45 FR 20853, Mar. 31, 1980, as amended at 46 FR 40192, Aug. 7, 1981; 47 FR 10219, Mar. 1 1982; 47 FR 39687, Sept. 9, 1982; 49 FR 48721, Dec. 14, 1984; 50 FR 48210, Nov. 22, 1985; 5 FR 945, Jan. 9, 1986; 51 FR 16689, May 6, 1986]

§ 68.310 Longitudinal balance limitations.

(a) *Technical description and application.* The metallic-to-longitudinal balance coefficient, BALANCE_{m-l}, is expressed as:

$$\text{BALANCE}_{m-l} = 20 \log_{10} \frac{e_M}{e_L}$$

where e_L is the longitudinal voltage produced across a 500-ohm longitudinal termination and e_M is the metallic voltage across the tip-ring or tip 1 and ring 1 interface of the input port when a voltage (at any frequency $200 < f < 4000$ Hertz) is applied from a balanced 600-ohm metallic source. The source voltage should be set such that $e_M = 0.775$ volts rms (0dBm) when a 600 ohm termination is substituted for the terminal equipment. The minimum balance coefficient specified in this section (as appropri-ate) shall be equalled or exceeded for all 2-wire network ports, OPS line ports and the transmit pair (tip and ring) and receive pair (tip 1 and ring 1) of all 4-wire network ports at all values of dc loop current that the port under test is capable of drawing when attached to the appropriate loop simulator circuit (see § 68.3). An illustrative test circuit that satisfies the above conditions is shown in Figure 68.310(a); other means may be used to determine the balance coefficient specified herein, provided that adequate documentation of the appropriateness, pre-ision, and accuracy of the alternative means is provided by the applicant. The minimum balance requirements specified elow shall be equalled or exceeded under ll reasonable conditions of the application f earth ground to the equipment or protec-ive circuitry under test:

Paragraph and equipment state	Minimum balance requirement dB	Frequency range Hz
):		
Both on-hook	60	200-1000
and off-hook	40	1000-4000
)		
On-hook	60	200-1000
	40	1000-4000
Off-hook	40	200-4000
) Off-hook	40	200-4000
) Voice equipment:		
Both on-hook	60	200-1000
and off-hook	40	1000-4000
) Data Equipment:		
On-hook	60	200-1000
	40	1000-4000
Off-hook	40	200-4000
Off-hook	40	200-4000
):		
Both on-hook	60	200-1000
and off-hook	40	1000-4000

Paragraph and equipment state	Minimum balance requirement dB	Frequency range Hz
(h) Off-hook	40	200-4000
(i):		
Both on-hook	60	200-1000
and off-hook	40	1000-4000
(j) Off-hook	40	200

(b) *Registered one-port terminal equipment for 2-wire non-data applications with loop start, ringdown, inband signaling or voiceband metallic channels.* The one-port shall be driven from a 600-ohm metallic source having a 500-ohm longtitudinal impedance.

(c) *Registered one-port terminal equipment for 2-wire data applications with loop start, ringdown, inband signaling or voiceband metallic channels.* The one-port shall be driven from a 600-ohm metallic source having a 500-ohm longitudinal impedance.

(d) *Registered one-port equipment for ground-start and reverse-battery applications.* The one-port shall be driven from a 600-ohm metallic source having a 500-ohm longitudinal impedance.

(e) *Registered protective circuitry for 2-wire applications with loop start, ringdown, inband signaling or voiceband metallic channels.* These criteria shall be met with either terminal of the interface to other equipment connected to earth ground. The interface to other equipment shall be terminated in an impedance which will be reflected to the telephone connection as 600-ohms in the off-hook state of the registered protective circuit, and the interface should not be terminated in the on-hook state. Figure 68.310(e) shows the interface of the protective circuitry being tested and the required arrangement at the interface to other equipment.

(f) *Registered protective circuitry for ground-start and reverse-battery applications.* These criteria shall be met with either terminal of the interface to other equipment connected to earth ground. The interface to other equipment shall be terminated in an impedance which will be reflected to the telephone connection as 600-ohms in the off-hook state of the protective circuit. Figure 68.310(e) shows the interface of the protective circuitry under test and the required arrangement at the interface to the other equipment.

(g) *Registered multi-port equipment for loop-start applications.* These criteria shall be satisfied for all ports when the ports are terminated in their appropriate networks, as will be identified below, and when interface connections other than the ports are terminated in circuits appropriate to that interface. The minimum balance coefficients shall also be satisfied for all values of dc loop current that the registered equipment is capable of drawing through each of its ports when these ports are attached to the loop simulator circuit specified in these rules. The port under test shall be driven from a 600-ohm metallic source having a 500-ohm longitudinal impedance. The termination for all ports other than the particular one whose balance coefficient is being measured shall have a metallic impedance of 600 ohms and a longitudinal impedance of 500 ohms. Figure 68.310(g) shows this termination.

(h) *Registered multi-port equipment for ground start and reverse battery applications.* These criteria shall be satisfied for all ports when all ports not under test are terminated in their appropriate networks as will be identified below, and when interface connections other than the ports are terminated in circuits appropriate to that interface. The minimum balance coefficients shall be satisfied for all values of dc loop current that the registered equipment is capable of drawing through each of its ports when these ports are attached to the loop simulator circuit specified in these Rules. The port under test shall be driven from a 600-ohm metallic source having a 500-ohm longitudinal impedance. The terminations for all ports other than the particular one whose balance coefficient is being measured shall have a metallic impedance of 600 ohms and a longitudinal impedance of 500 ohms. Figure 68.310(g) shows this termination.

(i) *Registered terminal equipment and registered protective circuitry for 4-wire network ports.* The pair under test shall be driven from a 600-ohm metallic source having a 500-ohm longitudinal impedance. The pair not under test shall be terminated in a metallic impedance of 500-ohms. Other conditions are as follows:

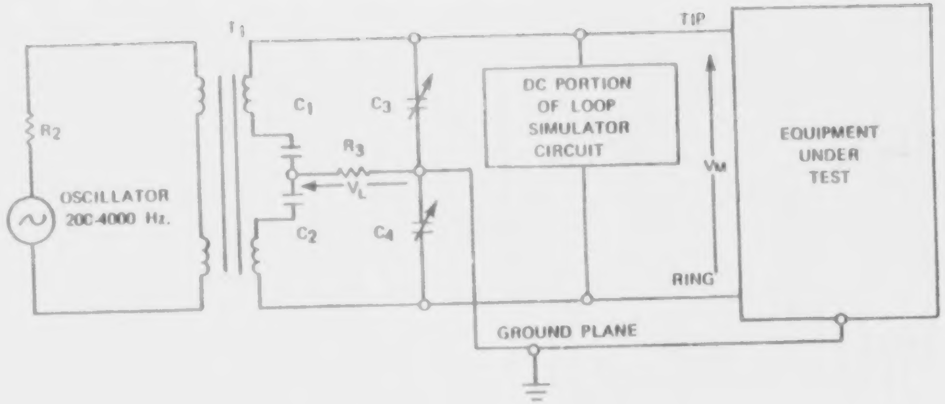
(1) Registered Protective Circuitry for Loop Start, Ground Start, Reverse, Battery, Ringdown, Inband Signaling or Voiceband Metallic Channel Applications. These criteria shall be met with either terminal of the interface to other equipment connected to earth ground. The interface to other equipment shall be terminated in an impedance that will result in 600-ohms at each of the transmit and receive pairs of the 4-wire telephone connection in the off-hook state of the registered protective circuit, and the interface should not be terminated in the on-hook state. Figure 68.310(j) shows the interface of the protective circuitry being tested and the required arrangement at the interface to other equipment.

(2) Registered Multiport Equipment for Loop Start, Ground Start, and Reverse Battery, Ringdown, Inband Signaling, or Voiceband Metallic Channel Applications. These criteria shall be satisfied for all network ports when the ports are terminated as defined below, and when interface connections other than network ports are terminated in circuits appropriate to the interface. The criteria shall also be satisfied for all values of dc loop current that the registered equipment is capable of drawing through each port when the port is connected to the appropriate 4-wire loop simulator circuit, Figure 68.3(c) or 68.3(d). The terminations for both pairs of all network ports not under test shall have a metallic impedance of 600-ohms and a longitudinal impedance of 500-ohms. Figures 68.310(g) shows this termination.

(j) *Registered PBX equipment (or similar systems) with Class B or Class C off-premises interfaces.* These criteria shall be satisfied for all off-premises station interface ports when these ports are terminated in their appropriate networks for their off-hook state and when all other interface connections are terminated in circuits appropriate to that interface. The minimum balance coefficients shall also be satisfied for all values of dc loop current that the registered PBX is capable of providing through off-premises station ports when these ports are attached to the off-premises line simulator circuit specified in these rules. The port under test shall be driven from a 600-ohm metallic source having a 500-ohm longitudinal impedance.

(k) *Ringing type Z equipment for loop-start applications.* Equipment which has on-hook impedance characteristics which do not conform to the requirements of § 68.312 (e.g., "Type Z"). need comply with a minimum balance requirement of 40 dB in the frequency range 200 to 400 Hertz, under the applicable subparagraph above. See § 68.312(f) for conditions upon registration of "Type Z" equipment.

(l) The maximum balance requirements for registered terminal equipment connected to digital services specified in Figure 68.310(k) shall be equaled or exceeded for the range of frequencies applicable for the equipment under test and under all reasonable conditions of the application of earth ground to the equipment. All such terminal equipment shall have a longitudinal balance in the acceptable region of Figure 68.310(k). The metallic termination used for the longitudinal balance measurements for 2.4, 4.8, 9.6, and 56 Kbps shall be 135 Ohms plus or minus one percent and for 1.544 Mbps shall be 100 Ohms plus or minus one percent. The longitudinal termination for these measurements shall be 500 Ohms in all cases.


T1
R2
OSCILLATOR
200-4000 Hz.
C1
C2
C3
C4
R3
VL
DC PORTION
OF LOOP
SIMULATOR
CIRCUIT
TIP
RING
VM
EQUIPMENT
UNDER
TEST
GROUND PLANE

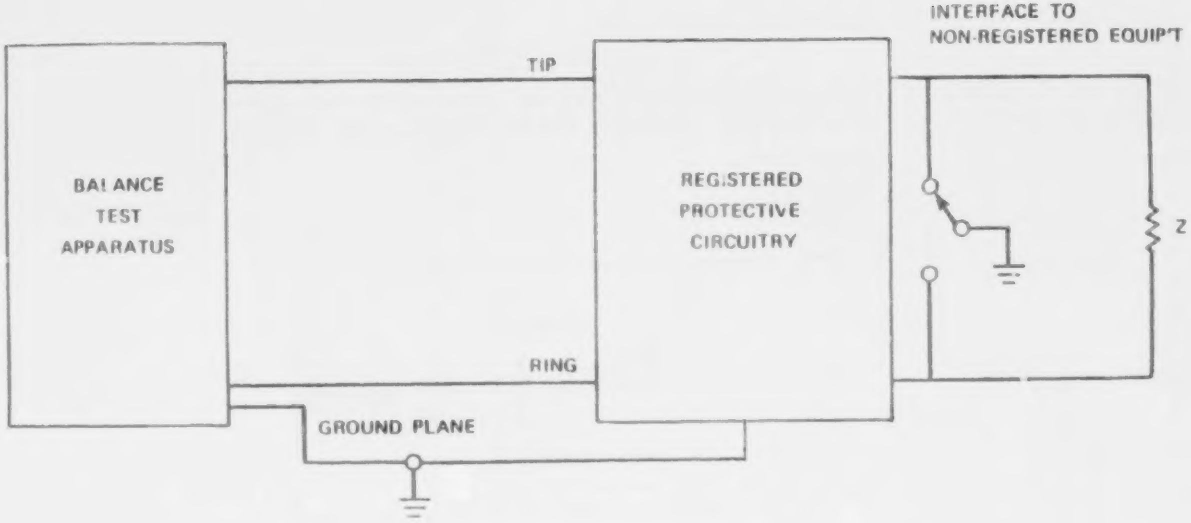
T_1 - W.E.Co. #111C or 119E, or A.D.C. #118F, or equivalent.
C_1, C_2 - 8 microfarad, 400 WVDC, matched to within 0.1%.
C_3, C_4 - 100 to 500 picofarad adjustable trimmer capacitors.
Osc. - Audio oscillator with source resistance, $R_1 \leq 600$ ohms.
R_2 - Selected such that $R_1 + R_2 =$ ohms.
R_3 - 500 ohms.

NOTES:

1. V_M should not be measured at the same time as V_L.
2. Use trimmer capacitors C_3 and C_4 to balance the test circuit to 20 dB greater balance than the equipment standard for all frequencies specified, with a 600 ohm resistor substituted for the equipment under test.
3. Exposed conductive surfaces on the exterior of the equipment under test should be connected to the ground plane for this test.

Figure 68.310(a) - Illustrative test circuit complying with Section 68.310(a)

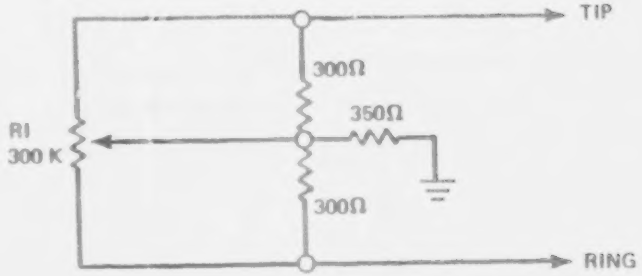
Required termination for connections to non-registered equipment:


INTERFACE TO
NON-REGISTERED EQUIP'T
TIP
RING
BALANCE
TEST
APPARATUS
REGISTERED
PROTECTIVE
CIRCUITRY
Z
GROUND PLANE

Z - selected so that the relected impedance at tip and ring is 600 ohms.

Figure 68.310(e)

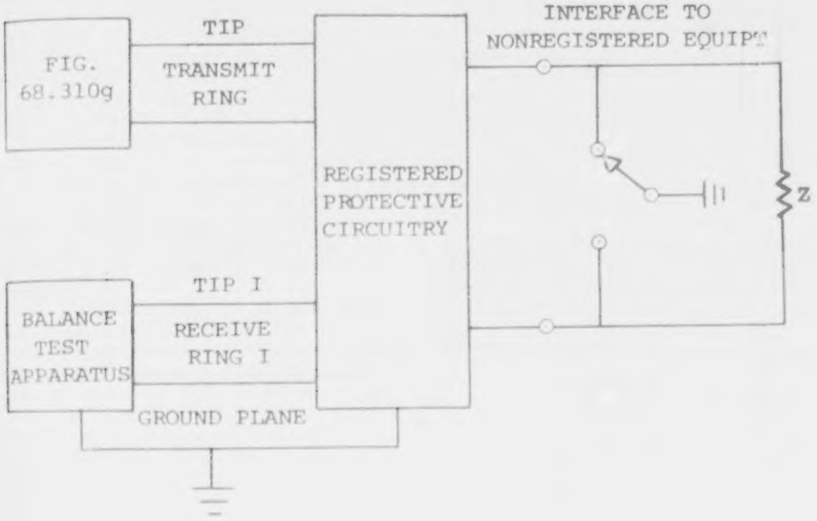
Off-Hook Termination of Multi-port Equipment for Ports not under tests:



R_1 is used to adjust termination balance. Balance of this termination shall be adjusted to at least 60 dB between 200 and 1000 Hertz, and at least 40 dB between 1000 and 4000 Hertz.

Figure 68.310(g)

REQUIRED TERMINATION FOR CONNECTIONS TO NONREGISTERED EQUIPMENT:


INTERFACE TO
NONREGISTERED EQUIPT
TIP
FIG. 68.310g
TRANSMIT RING
REGISTERED PROTECTIVE CIRCUITRY
Z
TIP I
BALANCE TEST APPARATUS
RECEIVE RING I
GROUND PLANE

NOTE:

-Z- SELECTED SO THAT THE REFLECTED IMPEDANCE AT TIP I AND RING I IS 600 ohms.

-CONFIGURATION SHOWN IS FOR MEASUREMENT OF RECEIVE PAIR.

Fig. 68.310 (j)
4 Wire

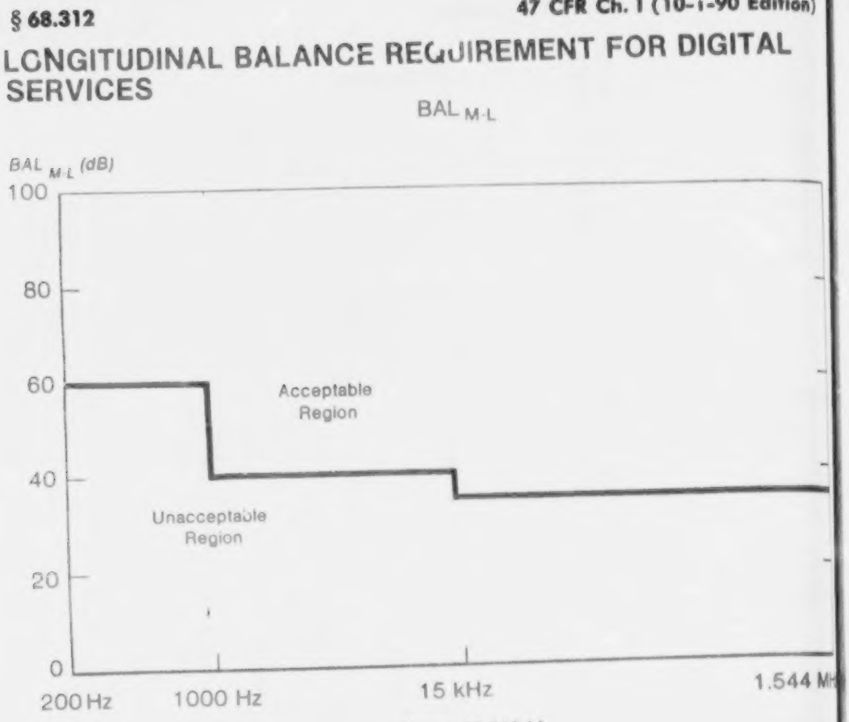


Figure 68.310 (j)

[45 FR 20853, Mar. 31, 1980, as amended at 45 FR 54343, Aug. 15, 1980; 45 FR 61632, Sept. 17, 1980; 47 FR 39687, Sept. 9, 1982; 49 FR 48724, Dec. 14, 1984; 51 FR 950, Jan. 9, 1986; 51 FR 16690, May 6, 1986]

§ 68.312 On-hook impedance limitations.

(a) *General:* The limitations in this section that involve 2-wire network ports apply to tip and ring of the public switched network. For 4-wire network ports (tip, ring, tip 1, and ring 1) with loop-start or ground-start signaling, the limitations apply when tip and ring conductors are connected together and treated as one of the conductors of a tip and ring pair and the tip 1 and ring 1 conductors are connected together and treated as the other conductor of a tip and ring pair.

(b) Limitations on individual equipment intended for operation on loop-start telephone facilities:

(1) Registered terminal equipment and registered protective circuitry shall conform to the following limitations, for each Ringing Type which is listed as part of its Ringer Equivalence:

(i) The dc resistance between tip and ring conductors, and between each of the tip and ring conductors and earth ground, shall be greater than 5 megohms for all dc voltages up to and including 100 volts.

(ii) The dc resistance between tip and ring conductors, and between each of the tip and ring conductors and earth ground shall be greater than 30 kilohms for all dc voltages between 100 and 200 volts.

(iii) During the application of simulated ringing, as listed in Table I

ow, the total dc current, shall not
eed 3.0 milliamperes.
(v) During the application of simu-
ed ringing, as listed in Table I
ow, the impedance between the tip
d ring conductors (defined as the
otient of applied ac voltage divided
resulting true rms current) shall be
eater than the value specified in
ble I. Except as provided in para-
aph (b)(2) of this section, such im-
dance shall be less than 40 kilohms.
v) During the application of simu-
ed ringing, as listed in Table I
ow, the impedance between each of
tip and ring conductors and
ound shall be greater than 100 ki-
ms.
2) Registered terminal equipment
d registered protective circuitry in-
nded for use on facilities which
vays will have additional ringing de-
tion circuitry in use at the same
ne such registered terminal equip-
ent and registered protective circuit-
is connected need not comply with
e 40 kilohm maximum impedance
ecification of paragraph (a)(1)(v) of
is section.
c) Limitations on individual equip-
ent intended for operation on
ound-start telephone facilities: Reg-
ered terminal equipment and regis-
red protective circuitry shall con-
rm to the following limitations for
ch Ringing Type which is listed as
rt of its Ringer Equivalence
mber:
1) During the application of simu-
ed ringing, as listed in Table I
low, the total dc current flowing be-
een tip and ring conductors shall
t exceed 3.0 milliamperes.
(2) During the application of simu-
ed ringing, as listed in Table I
low, the total impedance of the par-
lel combination of the ac impedance
ross tip and ring conductors and the
impedance from the ring conductor
ground (with ground on the tip con-
ctor) shall be greater than the value
ecified in Table I. Except as provid-
in paragraph (a)(2) of this section,
ch impedance shall be less the 40 ki-
hms.
(d) Ringer Equivalence Definition.
he values of each of the parameters
r which a limitation is imposed in
aragraph (b) or (c) of this section, as
appropriate, shall be determined for a representative unit under test. Quotients of each such value shall be formed according to the following:

(1) For individual equipment intended for operation on loop-start telephone facilities:

(i) 25 megohms divided by the minimum measured on-hook dc resistance for all dc voltages up to and including 100 volts.

(ii) 150 kilohms divided by the minimum measured on-hook dc resistance for all dc voltages between 100 and 200 volts.

(iii) The maximum total dc current flowing between tip and ring during the application of simulated ringing as listed in Table I below, in milliamperes, divided by 0.6 milliamperes.

(iv) Five times the impedance limitation listed in Table I, below, divided by the minimum measured ac impedance, defined as in paragraph (a)(1)(iv) of this section, during the application of simulated ringing as listed in Table I.

(2) For individual equipment intended for operation on ground-start telephone facilities:

(i) The maximum total dc current flowing between tip and ring conductors during the application of simulated ringing as listed in Table I below, in milliamperes, divided by 0.6 milliamperes.

(ii) Five times the impedance limitation listed in Table I below divided by the minimum measured ac impedance, defined in paragraph (b)(2) of this section, during the application of simulated ringing as listed in Table I.

The largest of the unitless quotients so formed, followed by the Ringing Type letter indicator representing the frequency range for which that number is valid, is the Ringer Equivalence. If Ringer Equivalence is to be stated for more than one Ringing Type, testing shall be performed at each frequency range to which Ringer Equivalence is to be determined in accordance with the above, and the largest resulting Ringer Equivalence number so determined will be associated with each Ringing Type letter designation for which it is valid.

(e) Registered terminal equipment and registered protective circuitry shall have at least one ringer equivalence number shown on the registration label. Where options that will vary the ringer equivalence are involved, either each option that results in a ringer equivalence number greater than 0.1 and its corresponding Ringer Equivalence shall be listed on the registration label, or the largest ringer equivalence number that can result from such options shall be stated on the label. A trained, authorized agent of the Grantee may disconnect ringers, bridge ringers to another line, or execute options affecting ringer equivalence after the telephone company has been notified in accordance with § 68.106.

(f) All registered terminal equipment and registered protective circuitry which can affect on-hook impedance shall be assigned a Ringer Equivalence. The sum of all such ringer equivalences on a given telephone line or loop shall not exceed 5; in some cases, a system which has a total ringer equivalence of 5 or less may not be usable on a given telephone line or loop.

(g) Ringing Type Z Equipment. Equipment which has on-hook impedance characteristics which do not conform to the requirements of this section may be conditionally registered, notwithstanding the requirements of this section, provided that it is labelled with a Ringing Type designation "Z". It should be noted that registration of equipment bearing the designation "Z" does *not* necessarily confer any right of connection to the telephone network under these rules; any equipment registered with the type Z designation may only be used with the consent of the local telephone company, provided that the local telephone company does not discriminate in its treatment of equipment bearing the type Z designation.

(h) Limitations on PBX equipment with an off-premises interface and direct inward dialing (DID).

PBX ringing supplies whose output appears on the off-premises interface leads shall not tip when connected to the following trip-to-ring impedance which terminates the off-premises station loop; a terminating impedance composed of the parallel combination of a 15K ohms resistor and a RC series circuit (resistor and capacitor) whose ac impedance is as specified in the table below.

Ringing frequency Hz	ac impedance ohms	
	Class B, or C	Class A
20 ± 3	$\frac{7000}{N}$	1400
30 ± 3	$\frac{5000}{N}$	1000

N—Number of ringer equivalences, as specified by the manufacturer, which can be connected to the off-premises station loop.

(i) Limitations on individual equipment intended for operation with message register signaling channels:

(1) Registered terminal equipment and registered protective circuitry shall conform to the following limitations in all operating states.

(2) The dc resistance between each of the tip (*MR*) and ring (*MR*) conductors and ground shall be greater than 30 kilohms for voltages up to and including 200 volts.

(j) *Limitations on individual equipment ports with ringdown or inband signaling or voiceband metallic channels for connection to voiceband private line interfaces.*

(1) Registered terminal equipment and registered protective circuitry with 2-wire ports for ringdown, inband signaling or voiceband metallic channels shall provide a dc resistance between tip and ring conductors and between each of the tip and ring conductors and earth ground greater than 30 kilohms for all dc voltages up to and including 200 volts.

(2) Registered terminal equipment and registered protective circuitry with 4-wire ports for ringdown, inband signaling or voiceband metallic channels shall provide a dc resistance between each of the tip, ring, tip 1 and ring 1 conductors and earth ground greater than 30 kilohms for all dc voltages up to and including 200 volts.

(k) Registered terminal equipment and registered protective circuitry shall not by design leave the on-hook state by operations performed on tip and ring leads for any other purpose request service or answer an g call, except that terminal ent which the user places in hook state for the purpose of y placing telephone numbers rnal memory for subsequent tic or repertory dialing shall be ble. Make-busy indications e transmitted by the use of usy leads only as defined in and 68.200(j).

TABLE I

Range of compatible ringing frequencies Hz	Simulated ringing voltage superimposed 56.5 volts dc	Impedance limitation (ohms)
20 ± 3	40 to 130 volts rms	1400
30 ± 3	40 to 130 volts rms	1000
15.3 to 68.0	40 to 150 volts rms	1600
15.3 to 17.4	54 to 120 volts rms	1600
19.3 to 20.7 [1] (frequency-selective)	54 to 120 volts rms	1600
24.3 to 25.7	54 to 120 volts rms	1600
29.3 to 30.7 [1] (frequency-selective)	54 to 120 volts rms	1600
32.6 to 34.0	54 to 130 volts rms	1600
39.2 to 40.9	62 to 130 volts rms	1600
41.0 to 43.0	62 to 130 volts rms	1600
49.0 to 51.0	62 to 140 volts rms	1600
52.9 to 55.1	62 to 140 volts rms	1600
58.8 to 61.2	68 to 150 volts rms	1600
65.4 to 68.0	68 to 150 volts rms	1600
15.3 to 34.0	54 to 130 volts rms	1600
20 ± 3	40 to 130 volts rms	1400

Requirements at these frequencies, which are o Type A frequencies, are not consistent with the equirements; equipment intended for use both on cilities and facilities using frequency-selective ring comply with the requirements on Types A, D and F ntly.

20853, Mar. 31, 1980, as amended at 61632, Sept. 17, 1980; 45 FR 79486, 1980; 46 FR 40192, Aug. 7, 1981; 48 44, July 27, 1983; 51 FR 950, Jan. 9, 1 FR 28237, Aug. 6, 1986]

Billing protection.

Call duration requirements on equipment connected to the switched network, or to tie s, or to private lines that access ublic switched network. Regis- data terminal equipment and ered protective circuitry shall y with the following require- when answering an incoming xcept in off-hook states in which gnals are transmitted and/or received by electroacoustic transducers only:

NOTE: This paragraph (a) will be applicable to terminal equipment and registered protective circuitry employed with digital services where such digital services are interconnected with the analog telephone network.

(1) *Registered protective circuitry.* Registered protective circuitry connected to associated data equipment shall assure that the following signal power limitations are met for at least 2 seconds after the off-hook condition is presented to the telephone network in response to an incoming call:

(i) Signals that appear at the protective circuitry/telephone network interface for delivery to the telephone network shall be limited to −55 dB with respect to one milliwatt as such signals are delivered into a loop simulator circuit or a 600 ohm termination, as appropriate; and

(ii) Signals that appear at the protective circuitry-associated data equipment interface for delivery to associated data equipment shall be limited as follows: for any received signal power (appearing at the protective circuitry-telephone network interface) up to 0 dB with respect to one milliwatt (at any frequency in the range of 200 to 3200 Hertz), the power of signals delivered to associated data equipment shall be no greater than the signal power that would be delivered as a result of received signal power of −55 dB with respect to one milliwatt.

(2) *Registered terminal equipment.* Registered terminal equipment for data applications shall assure that, when an incoming telephone call is answered, the answering terminal equipment prevents both transmission and reception of data for at least 2 seconds after the answering terminal equipment transfers to the off-hook condition. For the purpose of this requirement, a fixed sequence of signals that is transmitted (and originated within) and/or received by the registered terminal equipment each time it answers an incoming call shall not be considered data, provided that such signals are for one or more of the following purposes:

(i) Disabling echo control devices,

(ii) Adjusting automatic equalizers and gain controls,

(iii) Establishing synchronization, or

(iv) Signaling the presence and if required, the mode of operation, of the data terminal at the remote end of a connection.

(b) *Voice and data equipment on-hook signal requirements for equipment connected to the public switched network, or to tie trunks, or to private lines that access the public switched network.* Registered protective circuitry and registered terminal equipment shall comply with the following:

(1) The power delivered into a 2-wire loop simulator circuit or into the transmit and receive pairs of a 4-wire loop simulator or into a 600 ohm termination (where appropriate) in the on-hook state, by loop-start or ground-start equipment shall not exceed −55dB with respect to one milliwatt within the frequency band from 200 to 4000 Hertz. Registered protective circuitry shall also assure that for any input level up to 10dB above the maximum level that is expected under normal operation, the power to a 2-wire loop simulator circuit or the transmit and receive pairs of a 4-wire loop simulator circuit or into a 600 ohm termination (where appropriate) does not exceed the above limits.

(2) The power delivered into a 2-wire loop simulator circuit or into the transmit and receive pairs of a 4-wire loop simulator circuit, in the on-hook state, by reverse battery equipment shall not exceed −55dB with respect to one milliwatt, unless the equipment is arranged to inhibit incoming signals.

(c) Voice and data equipment loop current requirements for equipment connected to the Public Switched network. The loop current through registered terminal equipment or registered protective circuitry, when connected to a 2-wire or 4-wire loop simulator circuit with the 600 ohm resistor and 500 microfarad capacitor of the 2-wire loop simulator circuit or both pairs of the 4-wire loop simulator circuit disconnected shall, for at least 5 seconds after the equipment goes to the normal off-hook state which would occur in response to ringing (called party condition):

(1) Be at least as great as the current obtained in the same loop simulator circuit with a 200 ohm resistance connected across the tip and ring of the 2-wire loop simulator circuit or connected across the tip/ring and tip 1/ring 1 conductors (tip and ring connected together and tip 1 and ring 1 connected together) of the 4-wire loop simulator circuit in place of the registered terminal equipment or registered protective circuitry; or

(2) Not decrease by more than 25 percent from its maximum value attained during this 5-second interval; unless the equipment is returned to the on-hook state during the above 5 second interval.

(d) *Signaling interference requirements.* (1) Terminal equipment connected to the Public Switched Network or private lines identified in § 68.2(a) (2) and (3). Registered terminal equipment and registered protective circuitry shall not deliver signals into a 2-wire loop simulator circuit or the transmit and receive pairs of a 4-wire loop simulator circuit or a 600 ohm termination (where appropriate) from sources internal to the registered equipment or circuitry, with energy in the 2450 to 2750 Hertz band unless an equal amount of energy is presented in the 800 to 2450 Hertz band.

(2) Registered terminal equipment for connection to subrate or 1.544 Mbps digital services shall not deliver digital signals to the telephone network with encoded analog content energy in the 2450 to 2750 Hertz band unless at least an equal amount of encoded analog energy is present in the 800 to 2450 Hertz band.

(e) *Operating requirements for automatic identified outward dialing*—(1) *General.* Registered terminal equipment that provides Automatic Identified Outward Dialing (AIOD) features shall meet those operating requirements necessary to ensure compatibility with the local telephone company serving central office. A sufficient set of operating characteristics for interfacing with central office AIOD channels is contained in the Electronics Industries Association (EIA) Standard RS-464, Section 4.4.1., dated December 1979

(2) *Station number assignment.* Station number assignments in registered terminal equipment with AIOD capabilities, including spare numbers for subsequent activities by the customer, must be programed into the equipment by a qualified installer only and such numbers must be restricted to the group of station numbers provided by the telephone company. If the registered terminal equipment is arranged so that the customer can reassign and/or activate new station numbers, means shall be provided so that the customer can verify that the 4-digit number assigned to a station set, incoming tie trunk, or the attendant for AIOD purposes is the same as the number identified by the registered terminal equipment for AIOD when an outgoing call to a central office is originated.

(f) On-hook signal requirements for registered terminal equipment for connection to subrate or 1.544 Mbps digital services.

Registered terminal equipment and registered protective circuitry shall comply with the following:

(1) The power delivered to the telephone network in the on-hook state as derived by a zero level decoder shall not exceed −55 dBm equivalent power for digital signals within the frequency band from 200 to 4000 Hertz. Registered protective circuitry shall also assure that for any input level up to 10 dB above the maximum level that is expected under normal operation, the power to a zero level decoder does not exceed the above limits.

(2) The power derived by a zero level decoder, in the on-hook state, by reverse battery equipment shall not exceed −55 dB with respect to one milliwatt, unless the equipment is arranged to inhibit incoming signals.

(g) Off-hook signal requirements for registered terminal equipment connecting to 1.544 Mbps digital services. Upon entering the normal off-hook state, in response to alerting, for analog subrate channels, registered terminal equipment shall continue to transmit the signaling bit sequence representing the off-hook state for 5 seconds, unless the equipment is returned to the on-hook state during the above 5 second interval.

[45 FR 20853, Mar. 31, 1980; 47 FR 10219, Mar. 10, 1982; 47 FR 39687, Sept. 9, 1982; 47 FR 42750, Sept. 29, 1982; 49 FR 48725, Dec. 14, 1984; 50 FR 27251, July 2, 1985; 51 FR 950, Jan. 9, 1986; 51 FR 16690, May 6, 1986]

§ 68.316 Hearing aid compatibility: technical standards.

A telephone handset is hearing aid-compatible if it complies with the following standard, published by Electronic Industries Association, copyright 1983, and reproduced by permission of Electronic Industries Association:

ELECTRONIC INDUSTRIES ASSOCIATION RECOMMENDED STANDARD RS-504 MAGNETIC FIELD INTENSITY CRITERIA FOR TELEPHONE COMPATIBILITY WITH HEARING AIDS

[Prepared by EIA Engineering Committee TR-41 and the Hearing Industries Association's Standards and Technical Committee]

TABLE OF CONTENTS

List of Illustrations

1 INTRODUCTION
2 SCOPE
3 DEFINITIONS
4 TECHNICAL REQUIREMENTS
4.1 General
4.2 Axial Field Intensity
4.3 Radial Field Intensity
4.4 Induced Voltage Frequency Response
Appendix A—Bibliography

List of Illustrations

Figure Number

1 Reference and Measurement Planes and Axes
2 Measurement Block Diagram
3 Probe Coil Parameters
4A Induced Voltage Frequency Response for receivers with an axial field that exceeds −19 dB
4B Induced Voltage Frequency Response for receivers with an axial field that exceeds −22 dB but is less than −19 dB

Magnetic Field Intensity Criteria for Telephone Compatibility With Hearing Aids

(From EIA Standards Proposal No. 1652, formulated under the cognizance of EIA TR-41 Committee on Voice Telephone Terminals and the Hearing Industries Association's Standards and Technical Committee.)

1 Introduction

Hearing-aid users have used magnetic coupling to enable them to participate in telephone communications since the 1940's. Magnetic pick-ups in hearing-aids have provided for coupling to many, but not all, types of telephone handsets. A major reason for incompatibility has been the lack of handset magnetic field intensity requirements. Typically, whatever field existed had been provided fortuitously rather than by design. More recently, special handset designs, e.g., blue grommet handsets associated with public telephones, have been introduced to provide hearing-aid coupling and trials were conducted to demonstrate the acceptability of such designs. It is anticipated that there will be an increase in the number of new handset designs in the future. A standard definition of the magnetic field intensity emanating from telephone handsets intended to provide hearing-aid coupling is needed so that hearing-aid manufacturers can design their product to use this field, which will be guaranteed in handsets which comply with this standard.

1.1 This standard is one of a series of technical standards on voice telephone terminal equipment prepared by EIA Engineering Committee TR-41. This document, with its companion standards on Private Branch Exchanges (PBX), Key Telephone Systems (KTS), Telephones and Environmental and Safety Considerations (Refs: A1, A2, A3 and A4) fills a recognized need in the telephone industry brought about by the increasing use in the public telephone network of equipment supplied by numerous manufacturers. It will be useful to anyone engaged in the manufacture of telephone terminal equipment and hearing-aids and to those purchasing, operating or using such equipment or devices.

1.2 This standard is intended to be a living document, subject to revision and updating as warranted by advances in network and terminal equipment technology and changes in the FCC Rules and Regulations.

2 *Scope*

2.1 The purpose of this document is to establish formal criteria defining the magnetic field intensity presented by a telephone to which hearing aids can couple. The requirements are based on present telecommunications plant characteristics at the telephone interface. The telephone will also be subject to the applicable requirements of EIA RS-470, Telephone Instruments with Loop Signaling for Voiceband Applications (Ref: A3) and the environmental requirements specified in EIA Standards Project PN-1361, Environmental and Safety Considerations for Voice Telephone Terminals, when published (Ref: A4).

Telephones which meet these requirements should ensure satisfactory service to users of magnetically coupled hearing-aids in a high percentage of installations, both initially and over some period of time, as the network grows and changes occur in telephone serving equipment. However, due to the wide range of customer apparatus and loop plant and dependent on the environment in which the telephone and hearing aid are used, conformance with this standard does not guarantee acceptable performance or interface compatibility under all possible operating conditions.

2.2 A telephone complies with this standard if it meets the requirements in this standard when manufactured and can be expected to continue to meet these requirements when properly used and maintained. For satisfactory service a telephone needs to be capable, through the proper selection of equipment options, of satisfying the requirements applicable to its marketing area.

2.3 The standard is intended to be in conformance with Part 68 of the FCC Rules and Regulations, but it is not limited to the scope of those rules (Ref: A5).

2.4 The signal level and method of measurement in this standard have been chosen to ensure reproducible results and permit comparison of evaluations. The measured magnetic field intensity will be approximately 15 dB above the average level encountered in the field and the measured high-end frequency response will be greater than that encountered in the field.

2.5 The basic accuracy and reproducibility of measurements made in accordance with this standard will depend primarily upon the accuracy of the test equipment used, the care with which the measurements are conducted, and the inherent stability of the devices under test.

3 *Definitions*

This section contains definitions of terms needed for proper understanding and application of this standard which are not believed to be adequately treated elsewhere. A glossary of telephone terminology, which will be published as a companion volume to the series of technical standards on Telephone Terminals For Voiceband Applications, is recommended as a general reference and for definitions not covered in this section.

3.1 A telephone is a terminal instrument which permits two-way, real-time voice communication with a distant party over a network or customer premises connection. It converts real-time voice and voiceband acoustic signals into electrical signals suitable for transmission over the telephone network and converts received electrical signals into acoustic signals. A telephone which meets the requirements of this standard also generates a magnetic field to which hearing-aids may couple.

3.2 The telephone boundaries are the electrical interface with the network, PBX or KTS and the acoustic, magnetic and me chanical interfaces with the user. The telephone may also have an electrical interface with commercial power.

3.3 A hearing aid is a personal electronic amplifying device, intended to increase the loudness of sound and worn to compensate for impaired hearing. When equipped with an optional inductive pick-up coil (commonly called a telecoil), a hearing aid can be used to amplify magnetic fields such as those from telephone receivers or induction-loop systems.

3.4 The reference plane is the planar area containing points of the receiver-end of the handset which, in normal handset use, rest against the ear (see Fig 1).

3.5 The measurement plane is parallel to, and 10 mm in front of, the reference plane (see Fig 1).

3.6 The reference axis is normal to the reference plane and passes through the center of the receiver cap (or the center of the hole array, for handset types that do not have receiver caps).

3.7 The measurement axis is parallel to the reference axis but may be displaced from that axis, by a maximum of 10 mm (see Fig 1). Within this constraint, the measurement axis may be located where the axial and radial field intensity measurements, are optimum with regard to the requirements. In a handset with a centered receiver and a circularly symmetrical magnetic field, the measurement axis and the reference axis would coincide.

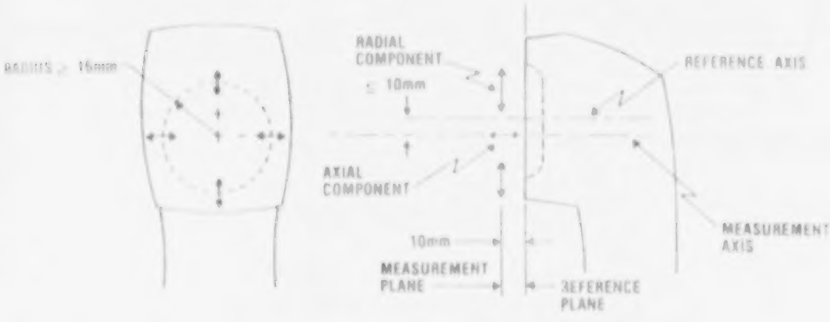


FIG 1 REFERENCE AND MEASUREMENT PLANES AND AXES

4 *Technical Requirements*

4.1 *General.*

These criteria apply to handsets when tested as a constituent part of a telephone.

4.1.1 Three parameters descriptive of the magnetic field at points in the measurement plane shall be used to ascertain adequacy for magnetic coupling. These three parameters are intensity, direction and frequency response, associated with the field vector.

4.1.2 The procedures for determining the parameter values are defined in the IEEE Standard Method For Measuring The Magnetic Field Intensity Around A Telephone Receiver (Ref: A6), with the exception that this EIA Recommended Standard does not require that the measurements be made using an equivalent loop of 2.75 km of No. 26 AWG cable, but uses a 1250-ohm resistor in series with the battery feed instead (see Fig 2).

4.1.3 When testing other than general purpose analog telephones, e.g., proprietary or digital telephones, an appropriate feed circuit and termination shall be used that produces equivalent test conditions.

4.2 *Axial Field Intensity.*

When measured as specified in 4.1.2, the axial component of the magnetic field directed along the measurement axis and located at the measurement plane, shall be greater than −22 dB relative to 1 A/m, for an input of −10 dBV at 1000 Hz (see Fig 2).

NOTE: If the magnitude of the axial component exceeds −19 dB relative to 1 A/m, some relaxation in the frequency response is permitted (See 4.4.1).

4.3 *Radial Field Intensity.*

When measured as specified in 4.1.2, radial components of the magnetic field as measured at four points 90° apart, and at a distance ≥16 mm from the measurement axis (as selected in 4.2), shall be greater than −27 dB relative to 1 A/m, for an input of −10 dBV at 1000 Hz (see Fig 2).

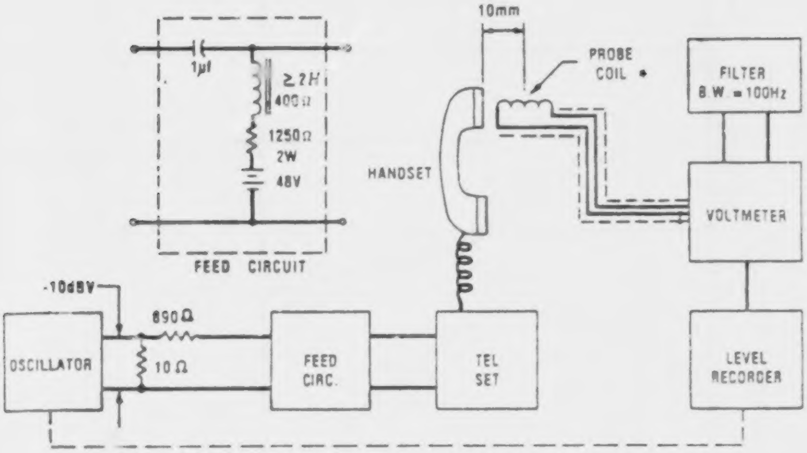
4.4 *Induced Voltage Frequency Response.* The frequency response of the voltage induced in the probe coil by the axial component of the magnetic field as measured in 4.2, shall fall within the acceptable region of Fig 4A or Fig 4B (see 4.4.1 and 4.4.2), over the frequency range 300-to-3300 Hz.

4.4.1 For receivers with an axial component which exceeds −19 dB relative to 1 A/m, when measured as specified in 4.1.2, the frequency response shall fall within the acceptable region of Fig 4A.

4.4.2 For receivers with an axial component which is less than −19 dB but greater than −22 dB relative to 1 A/m, when measured as specified in 4.1.2, the frequency response shall fall within the acceptable region of Fig 4B.

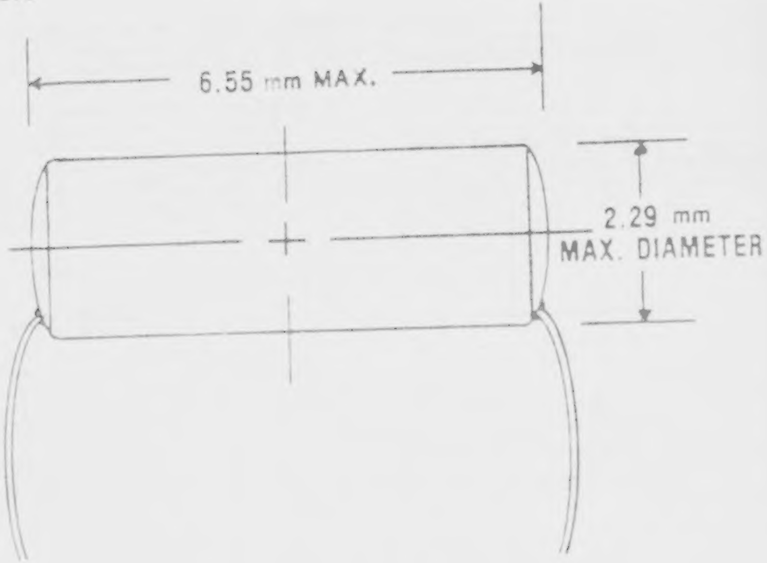
BLOCK DIAGRAM

MAGNETIC FIELD MEASURING APPARATUS


10mm
PROBE COIL *
FILTER
B.W. = 100Hz
1μf
≥ 2H
400Ω
1250Ω
2W
48V
HANDSET
VOLTMETER
FEED CIRCUIT
-10dBV
690Ω
10Ω
OSCILLATOR
FEED CIRC.
TEL SET
LEVEL RECORDER

* PROBE COIL, TIBBETTS MM45, OR EQUIV. (SEE FIG. 3)

FIG 2 MEASUREMENT BLOCK DIAGRAM


6.55 mm MAX.
2.29 mm
MAX. DIAMETER

TYPICAL PARAMETERS OF PROBE COIL

DC RESISTANCE: 900 Ω
INDUCTANCE: 140 mH
SENSITIVITY: -60.5 dBV/(A/m)

FIG 3 PROBE COIL PARAMETERS

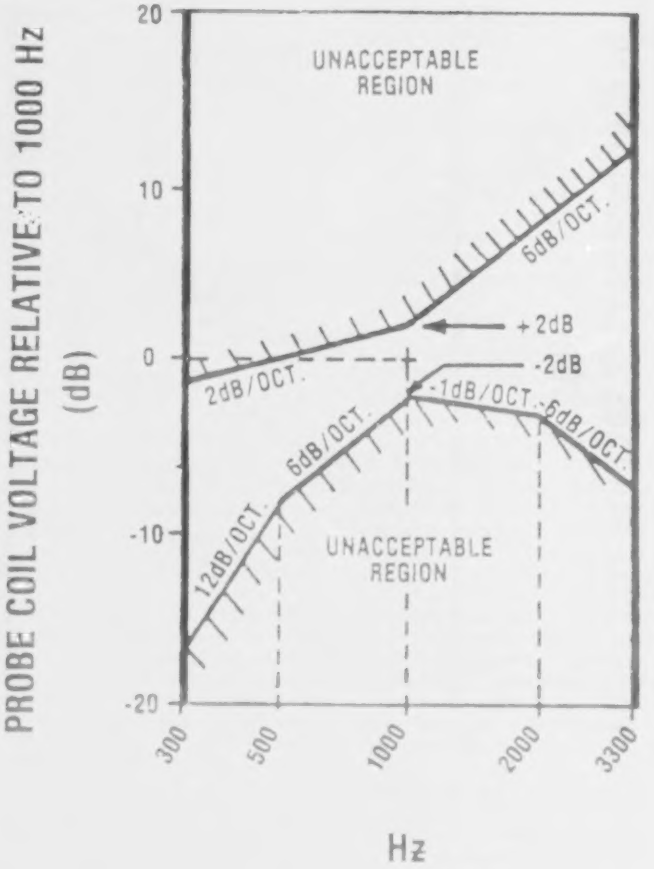


FIG 4A INDUCED VOLTAGE FREQUENCY RESPONSE
FOR RECEIVERS WITH AN AXIAL FIELD THAT EXCEEDS -19 dB

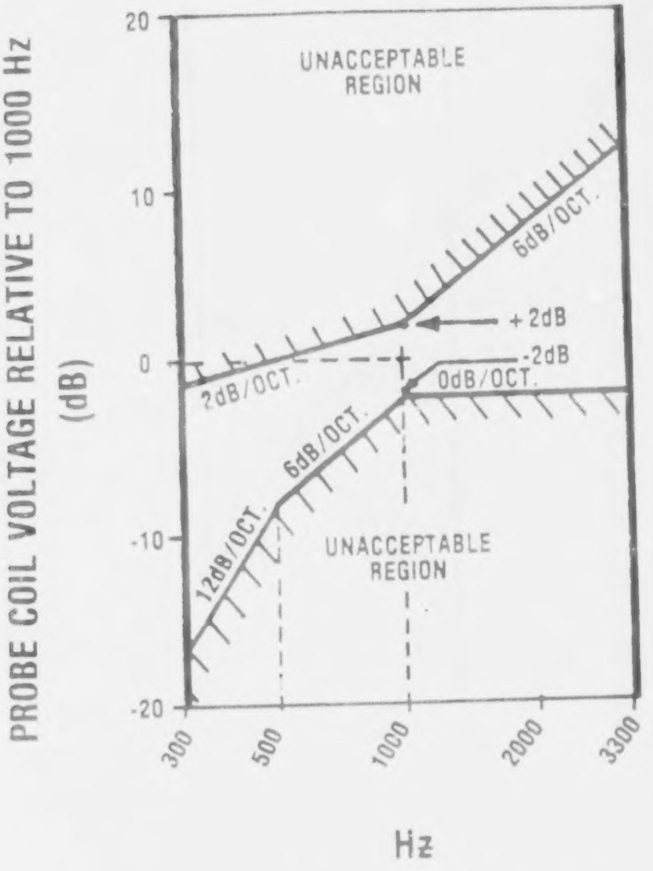


FIG 4B INDUCED VOLTAGE FREQUENCY RESPONSE
FOR RECEIVERS WITH AN AXIAL FIELD THAT EXCEEDS -22 dB

APPENDIX A BIBLIOGRAPHY

(A1) EIA Standard RS-464, Private Branch Exchange (PBX) Switching Equipment for Voiceband Applications.

(A2) EIA Standard RS-478, Multi-Line Key Telephone Systems (KTS) for Voiceband Applications.

(A3) EIA Standard RS-470, Telephone Instruments with Loop Signaling for Voiceband Applications.

(A4) EIA Project Number PN-1361, Environmental and Safety Considerations for Voice Telephone Terminals.

(A5) Federal Communications Commission Rules and Regulations, Part 68, Connection of Terminal Equipment to the Telephone Network.

(A6) IEEE Standard, Method for Measuring the Magnetic Field arould a Telephone Receiver. (to be published)

[49 FR 1363, Jan. 11, 1984]

§ 68.318 Additional limitations.

(a) *General.* Registered terminal equipment for connection to those services discussed below must incorporate the specified features.

(b) Registered terminal equipment connecting to 1.544 Mbps digital service.

(1) Until December 18, 1989, terminal equipment connecting to 1.544 Mbps service shall contain circuitry that assures continuity of output signal. This equipment shall assure that either the outgoing signal meets the minimum pulse density requirement below or one of the specified keep alive signals is transmitted. Power to operate this equipment may come from the line or premises power. Line powered functioning shall be achieved as follows: A direct current connection shall be provided between the simplexes of the transmit and receive pairs. The line power to operate the equipment which assures continuity of the output signal shall be derived from the direct current connection between the simplexes of the transmit and receive pairs. For circuits placed in service prior to February 18, 1988, the telephone company will drive 60 mA through this connection from a constant current source. With 60 mA between the transmit and receive pairs, the voltage drop between the transmit and recieve pairs shall not exceed 67 volts. The minimum acceptable average pulse density is 0.125. The maximum acceptable length of a continuous sequence of "zeros" is 80 pulse positions. The keep alive signal inserted when the pulse density drops too low shall be one of the following:

(i) *Type 1 Keep Alive Signal.* This signal is a consecutive sequence of all "ones".

(ii) *Type 2 Keep Alive Signal.* This signal is a sequence of 193-bit frames consisting of a framing bit plus 192-bit sequence of consecutive "ones". The framing bit executes the following repetitive pattern every 12 frames:

100011011100

(ii) *Type 3 Keep Alive Signal.* This signal sequence is the regenerated received signal connected to the transmit port through a loopback circuit.

(2) For circuits placed in service on or after February 18, 1988, and for all circuits as of December 18, 1989 whenever such circuits were placed in service, the telephone company is not required to provide line power to operate continuity of output functions in terminal equipment connecting to 1.544 Mbps service. As of December 18, 1989 such terminal equipment is not required to contain continuity of output capability, provided, however, that telephone companies by tariff may require that such equipment contain the continuity of output capability described in this paragraph up to December 18, 1992. Applications for registration of terminal equipment for connection to 1.544 Mbps service which does not contain continuity of output capability shall be accepted as of December 18, 1988, but eligibility for connection to 1.544 Mbps service shall be governed by this paragraph.

(c) Registered terminal equipment connecting to the public switched network.

(1) Limitation on automatic dialing. Automatic dialing to a particular number must cease after 15 successive attempts. This rule does not apply to manually activated dialers which dial a number just once following each activation.

[49 FR 48726, Dec. 14, 1984, as amended at 51 FR 951, Jan. 9, 1986; 52 FR 43077, Nov. 9, 1987; 52 FR 49413, Dec. 31, 1987; 53 FR 1103, Jan. 15, 1988]

Subpart E—Complaint Procedures

§ 68.400 Content.

A complaint shall be in writing and shall contain: (a) The name and address of the complainant, (b) the name (and address, if known) of the defendant against whom the complaint is made, (c) a complete statement of the facts, including supporting data, where available, showing that such defendant did or omitted to do anything in contravention of Part 68 of the Commission's Rules, and (d) the relief sought.

§ 68.402 Amended complaints.

An amended complaint setting forth transactions, occurrences or events which have happened since the filing of the original complaint and which relate to the original cause of action may be filed with the Commission.

§ 68.404 Number of copies.

An original and two copies of all complaints and amended complaints shall be filed. An original and one copy of all other pleadings shall be filed.

§ 68.406 Service.

(a) The Commission will serve a copy of any complaint or amended complaint filed with it, together with a notice of the filing of the complaint. Such notice shall call upon the defendant to satisfy or answer the complaint in writing within the time specified in said notice of complaint.

(b) All subsequent pleadings and briefs shall be served by the filing party on all other parties to the proceeding in accordance with the requirements of § 1.47. Proof of such service shall also be made in accordance with the requirements of said section.

§ 68.408 Answers to complaints and amended complaints.

Any party upon whom a copy of a complaint or amended complaint is served under this subpart shall serve an answer within the time specified by the Commission in its notice of complaint. The answer shall advise the parties and the Commission fully and completely of the nature of the defense, and shall respond specifically to all material allegations of the complaint. In cases involving allegations of harm, the answer shall indicate what action has been taken or is proposed to be taken to stop the occurrence of such harm, both in terms of future production and with reference to articles in the possession of distributors, sellers, and users. Collateral or immaterial issues shall be avoided in answers and every effort should be made to narrow the issues. Matters alleged as affirmative defenses shall be separately stated and numbered. Any defendant failing to file and serve an answer within the time and in the manner prescribed may be deemed in default.

§ 68.410 Replies to answers or amended answers.

Within 10 days after service of an answer or an amended answer, a complainant may serve a reply which shall be responsive to matters contained in such answer or amended answer and shall not contain new matters. Failure to reply will not be deemed an admission of any allegation contained in such answer or amended answer.

§ 68.412 Defective pleadings.

Any pleading filed in a complaint proceeding not in substantial conformity with the requirements of the applicable rules in this part may be dismissed.

§ 68.414 Hearing aid-compatibility: enforcement.

Enforcement of §§ 68.4 and 68.112 is hereby delegated to those states which adopt those sections and provide for their enforcement. The procedures followed by a state to enforce those sections shall provide a 30-day period after a complaint is filed, during which time state personnel shall attempt to resolve a dispute on an informal basis. If a state has not adopted or incorporated §§ 68.4 and 68.112, or failed to act within 6 months from the filing of a complaint with the state public utility commission, the Commission will accept such compliants. A written notification to the complainant that the state believes action is unwarranted is not a failure to act.

[49 FR 1368, Jan. 11, 1984]

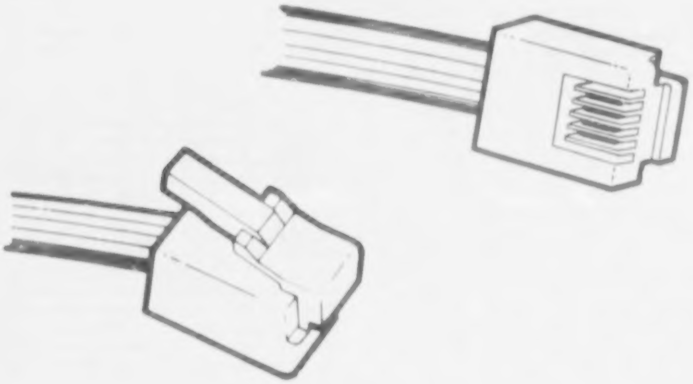
Subpart F—Connectors

Source: 41 FR 28699, July 12, 1976, unless otherwise noted.

§ 68.500 Specifications.

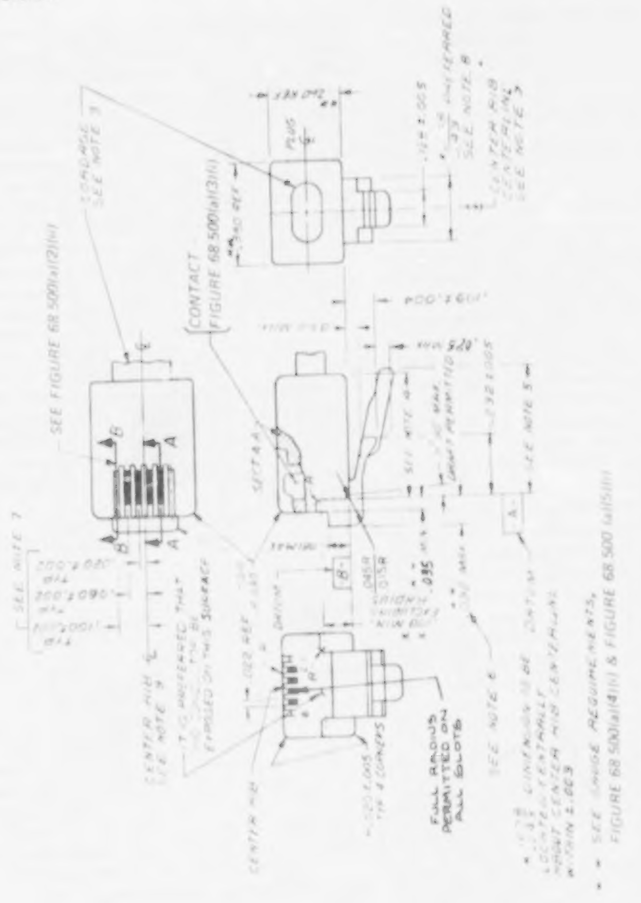
General. The plugs and jacks described in this section represent the standard connectors to be used for connections to the telephone network. The plug and jack designs shown are representative of generic types, and should not be interpreted as the only designs that may be used. Design innovation and improvement is expected; but for interchangeability to be maintained, alternative designs (the "or equivalent" permitted in Section 68.104) must be compatible with the plugs and jacks shown. The interface dimensions between mating plugs and jacks must be maintained. Hardware used to mount, protect, and enclose standard jacks is not described. The only requirement on connecting blocks, housings, dust covers, outdoor boxes, and the like that contain standard network jacks is that they accept standard plugs with cordage. For special purpose applications, plugs may be made longer than shown or adapted for direct use on equipment or apparatus without cordage. The sliding modular plug used on the back of many modular wall telephone sets is an example of such a special purpose application. It is the responsibility of the designers and manufacturers of communication equipment who use such plugs to assure that they are compatible with the hardware used to mount standard jacks with which they plan to interface.

(a) *Miniature 6-position plug:*



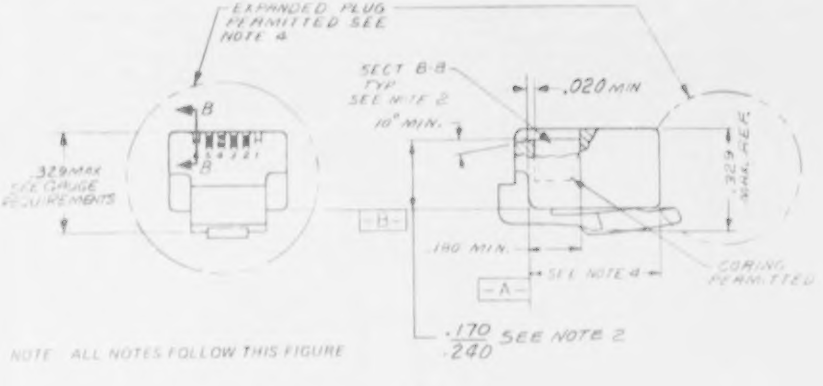
(Note: This plug is depicted equipped with 4 contacts, it may be fabricated with its full 6 contact capability.)

Figure 68.500(a)(1)(i)—View


SEE FIGURE 68.500(a)(2)(ii)
CONTACT FIGURE 68.500(a)(3)(i)
SEE NOTE 7
CENTER RIB
SEE NOTE 6
DATUM
A
B
FULL RADIUS PERMITTED ON ALL SLOTS
SEE GAUGE REQUIREMENTS, FIGURE 68.500(a)(4)(i) & FIGURE 68.500(a)(5)(i)

NOTE ALL NOTES FOLLOW FIGURE 68.500(a)(2)(i)

Figure 68.500(a)(2)(i) – 6 Position Plug Mechanical Specification

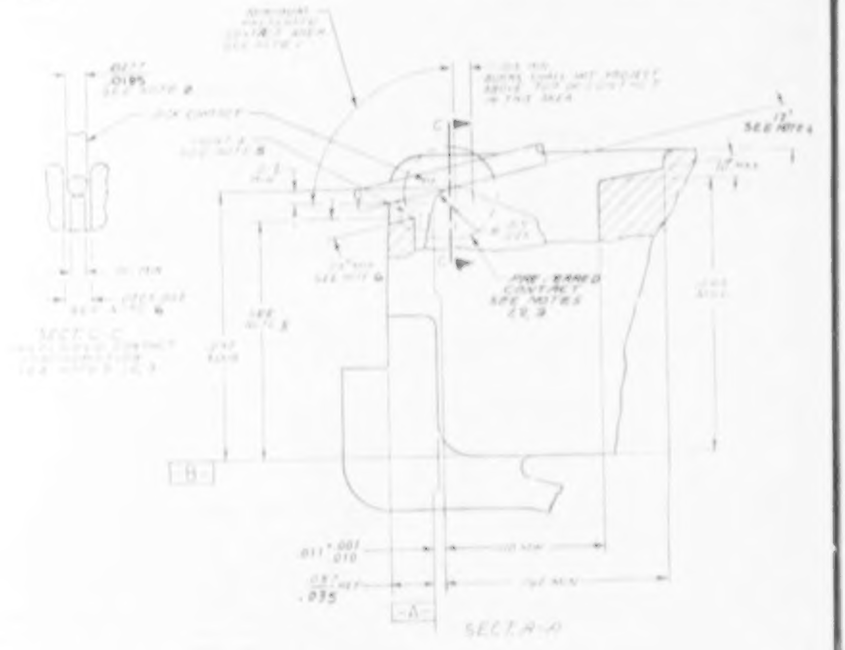


NOTE ALL NOTES FOLLOW THIS FIGURE

Figure 68.500(a)(2)(ii) – 6 Position Plug Mechanical Specification (Continued)

NOTES: (Notes apply to Figures 68.500(a)(2)(i) and 68.500(a)(2)(ii))

1. All plugs must be capable of meeting the requirements of the plugs go and no-go gauges.
2. Section BB applies to any jack contact receiving slot which does not contain a plug contact.
3. The preferred major cordage cross section is .100 inch max. thick by .200 inch max. wide, with rounded corners. It should exit the plug on the plug centerline. Other cordage configurations are permitted but may inhibit the special features of some network jack enclosures.
4. The standard plug length is .460 inch max. Plugs may be made longer than standard or adapted for direct use on special cords, adapters without cordage, and on apparatus or equipment subject to the limitations described in the § 68.500 introductory paragraphs. Plugs longer than standard may inhibit the special features of some network jack enclosures.
5. A .474 inch minimum tab length is required. It is preferred that a maximum tab length be no longer than .520 inch. Longer tabs may be used with the same limitations as described in Note 4.
6. To obtain maximum plug guidance when 6-position plugs are inserted in 8-position jacks, it is desirable to extend the front plug nose to the .092 inch maximum.
7. These dimensions apply to the location of jack contact receiving slots. It is desirable that plug contacts be centered axially in these slots, but centering is not required.
8. The .238/.243 dimension is preferred to obtain maximum plug guidance in jacks with more than 6 conductors. A tolerance range of .233/.243 is permitted, but may create targeting problems in 8-position jacks.
9. The center rib centerline shall be coincident with the plug width (.380 ref.) centerline within ± .003 inch.



NOTE: ALL NOTES FOLLOW THIS FIGURE

NOTE: THE 8 POSITION PLUG/JACK CONTACT SPECIFICATION IS IDENTICAL

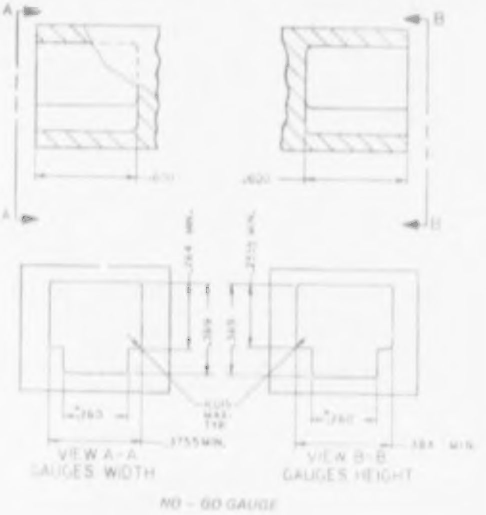
Figure 68.500(a)(3)(i) – 6 Position Plug
Plug/Jack Contact Specification

NOTES: (Notes apply to Figure 68.500(a)(3)(i))

1. The plug/jack contact interface should be hard gold to hard gold and should have a minimum gold thickness of 0.000050 inch on each side of the interface. The minimum contact force should be 100 grams. Any non-gold contact material must be compatible with gold and provide equivalent contact performance. A smooth, burr-free surface is required at the interface in the area shown.
2. The jack contact design is based upon .018 inch spring temper phospher bronze round wire in the modular plug blade and jack contact interface. Other contact configurations that provide contact performance equal to or better than the preferred configurations and do not cause damage to the plug or jack are permitted. The preferred jack contact width is .0177/.0195 inches. Deviations from the preferred jack contact width are permitted for round contacts as well as noncircular cross sectional shapes but they must be compatible with existing plug configurations. The requirements of Note 1 apply to all possible contact areas.
3. The configuration of the plug contact and the front plastic of the plug should prevent jack contacts from being damaged during plug insertion into jacks.
4. This is the suggested nominal contact angle between plugs and jacks with the

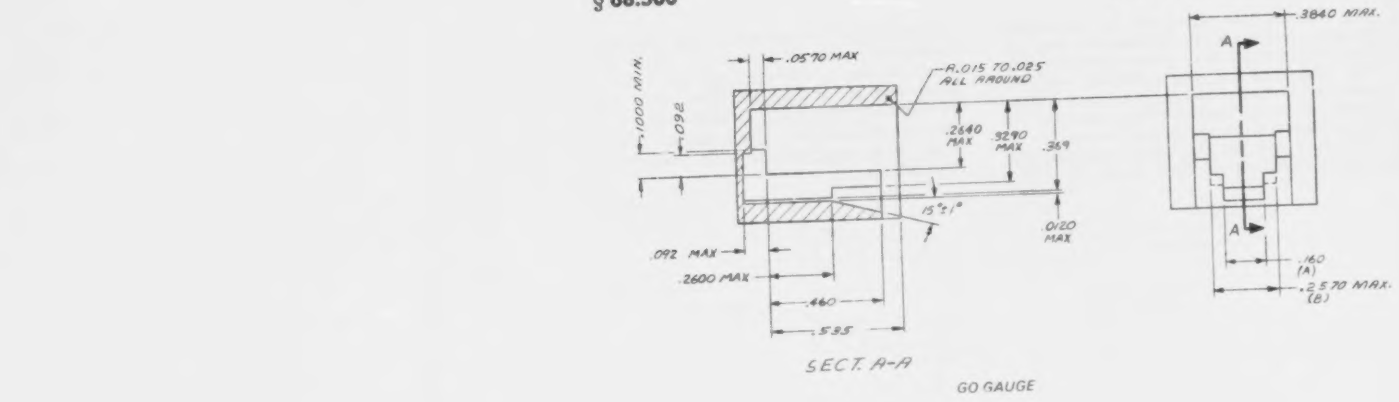
plug latched into the jack. If this angle becomes greater than 24 degrees loss of electrical contact may occur between the plug and jack. If the nominal contact angle becomes less than 13 degrees, interference between jack contacts and the internal plastic in the plug may occur.

5. To avoid loss of electrical contact, the preferred dimension from datum B to the highest point "x" should be .200 inch max. A dimension greater than .211 inch may result in loss of electrical contact between plugs and jacks. The .211 inch max. shall be considered an absolute maximum.
6. The 24 degree min. angle applies only to plugs with front plastic walls higher than .190 inches.


A
B
.670
.620
A
B
.264 MIN.
.2755 MIN.
.369
.369
R.015 MAX. TYP.
*.260
.3755 MIN.
*.260
.384 MIN.
VIEW A-A
GAUGES WIDTH
VIEW B-B
GAUGES HEIGHT
NO – GO GAUGE

1. The plug shall not be capable of entering the gauge more than .020 inch beyond Datum-A (see figure 68.500 (a)(2)(i)) with 2.0 pounds insertion force.
2. Non-toleranced dimensions given to three places shall be within ±.002 inch.
3. *.260 Dimension to be centrally located with respect to .384 minimum and .3755 minimum within ±.002 inch.

Figure 68.500(a)(4)(i) – 6 Position Plug Minimum Plug Size


.0570 MAX
R.015 TO .025 ALL AROUND
.3840 MAX.
A
.1000 MIN.
.092
.2640 MAX
.3290 MAX
.369
15°±1°
.0120 MAX
.092 MAX
.2600 MAX
.460
.535
.160 (A)
.2570 MAX. (B)
SECT. A-A
GO GAUGE

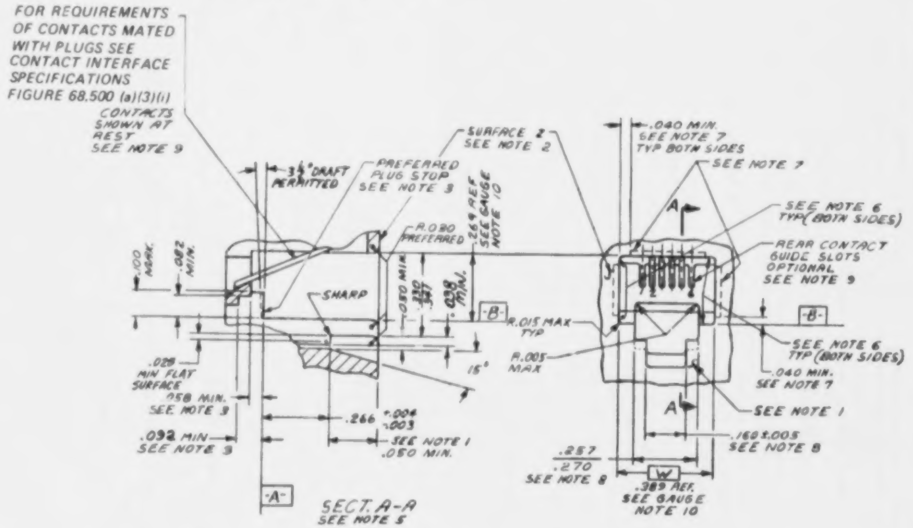
Notes:

1. The plug shall be capable of insertion and latching into the gauge with 5 pounds or less insertion force. Plug latching bar shall be depressed so as not to interfere with the plug entry. After insertion and latching, plug shall be capable of removal, with the latch depressed, with a removal force of 10 pounds or less applied at an advantageous angle.
2. Dimensions given to three decimal places shall be within ±.002 inch.
3. Dimensions (A) and (B) to be centrally located with respect to .3840 max. jack opening width within ±.001 inch.
4. Do not scale drawings for external configuration.

Figure 68.500(a)(5)(i) – 6 Position Plug Maximum Plug Size

(b) *Miniature 6-position jack:*

(Note: This jack is depicted equipped with 4 contacts; it may be fabricated with its full 6 contact capacity.)


FOR REQUIREMENTS OF CONTACTS MATED WITH PLUGS SEE CONTACT INTERFACE SPECIFICATIONS FIGURE 68.500 (a)(3)(i)
CONTACTS SHOWN AT REST SEE NOTE 9
3½° DRAFT PERMITTED
PREFERRED PLUG STOP SEE NOTE 3
SURFACE 2 SEE NOTE 2
R.030 PREFERRED
.269 REF SEE GAUGE NOTE 10
.100 MAX.
.082 MIN.
SHARP
.050 MIN
.330 .327
.038 MIN.
-B-
R.015 MAX TYP
R.005 MAX
15°
.028 MIN FLAT SURFACE
.058 MIN. SEE NOTE 3
.092 MIN SEE NOTE 3
.266 +.004 -.003
SEE NOTE 1 .050 MIN.
-A-
SECT. A-A SEE NOTE 5
.040 MIN. SEE NOTE 7 TYP BOTH SIDES
SEE NOTE 7
A
SEE NOTE 6 TYP (BOTH SIDES)
REAR CONTACT GUIDE SLOTS OPTIONAL SEE NOTE 9
-B-
SEE NOTE 6 TYP (BOTH SIDES)
.040 MIN. SEE NOTE 7
SEE NOTE 1
A
.160±.005 SEE NOTE 8
.257 .270 SEE NOTE 8
W
.389 REF. SEE GAUGE NOTE 10

NOTE: ALL NOTES FOLLOW FIGURE 68.500 (b)(3)(i) UNLESS SPECIFIED.

Figure 68.500(b)(2)(i) – 6 Position Jack Mechanical Specification

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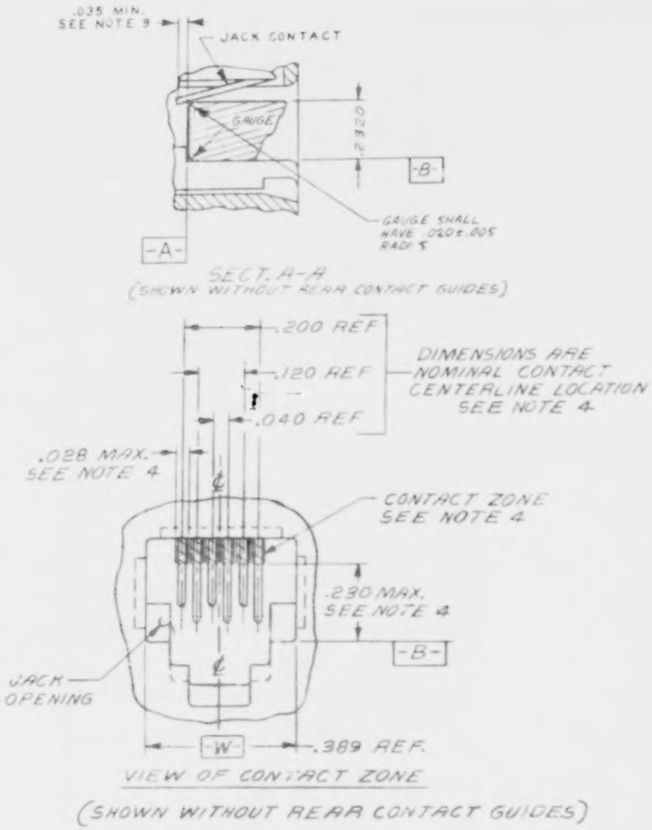

.035 MIN.
SEE NOTE 9
JACK CONTACT
GAUGE
.2320
-B-
GAUGE SHALL HAVE .020±.005 RADIUS
-A-
SECT. A-A
(SHOWN WITHOUT REAR CONTACT GUIDES)
.200 REF
.120 REF
.040 REF
DIMENSIONS ARE NOMINAL CONTACT CENTERLINE LOCATION SEE NOTE 4
.028 MAX. SEE NOTE 4
CONTACT ZONE SEE NOTE 4
.230 MAX. SEE NOTE 4
-B-
JACK OPENING
-W-
.389 REF.
VIEW OF CONTACT ZONE
(SHOWN WITHOUT REAR CONTACT GUIDES)

NOTE ALL NOTES FOLLOW THIS FIGURE

Figure 68.500(b)(3)(i) — 6 Position Jack Mechanical Specifications (Continued)

NOTES: (Notes apply to Figures 68.500(b)(2)(i) and 68.500(b)(3)(i))

1. Front surface projections beyond the .050 min. shall be configured so as not to prevent finger access to the plug release catch (Reference Figure 68.500(a)(2)(i), 6-Position Plug, Mechanical Specifications). A catch length greater than .050 is beneficial in providing greater breakout strength.
2. Surface Z need not be planar or coincident with the surface under the plug release catch. Surface Z projections must not prevent insertion, latching, and unlatching of the standard 6-position plug described in § 68.500(a).
3. The preferred plug stop surface is indicated. If some other internal feature is used as a plug stop, it must be located so that the axial movement of a latched plug is no greater than 0.045 inch.
4. To prevent mistargeting between the plug and jack contacts, the jack contacts should be completely contained in their individual contact zones, (.028 inch max wide), where they extend into the jack openings. There is no location requirement for jack contacts below these zones

(.230 inch max.), but adequate contact separation must be maintained to prevent electrical breakdown. These shaded contact zones should be centrally located, (include all locating tolerances), about the jack opening width .389 Ref, (Datum -W-). Contacts located outside of these zones may result in mistargeting between the jack and plug contacts.

5. All inside and outside corners in the plug cavity to be .015 inch radius max. unless specified.
6. These surfaces shall have 0°15′ maximum draft.
7. Relief inside the dotted areas on 3 sides of the jack opening is permitted. The .269 Ref and .389 Ref Gauge Requirements must be maintained in each corner, (ref. 0.040 inch min), to assure proper plug/jack interface guidance. A .032 ± .005 relief on the top side, (opposite plug catch), is required on jacks in connecting blocks which mount and connect portable wall telephones so as to assure interface with the special purpose sliding modular plug used on many wall telephone sets.
8. 0.160 and .257/.270 inch dimensions to be centrally located to jack opening width -W- within ± 0.007 inch.
9. Minimum acceptable jack contact length. When contact guide slots are used, the contacts must always be contained inside the guide slots and the contacts must move freely in the slots so as not to restrain plug insertion or damage jack contacts.
10. Gauge Requirements:

GO: The jack shall be capable of accepting a 0.3840 x 0.2640 inch gauge and the gauge shall be capable of being removed with a maximum force of 2 pounds.

NO GO: The jack shall not accept either a 0.3940 x 0.254 inch horizontal width of opening gauge or a .2740 x .376 inch vertical height of opening gauge. However, if either gauge is accepted the force necessary to remove the gauge shall be minimum 3.0 ounces.

Removal forces do not include forces contributed by contact springs nor shall external forces be applied to the jack that will affect these removal forces.

Gauges shall have a 0.030 inch radius on the nose and a 0.015 inch radius on all edges with clearance provided for contacts.

(c) *Miniature 8-position plug, unkeyed:*

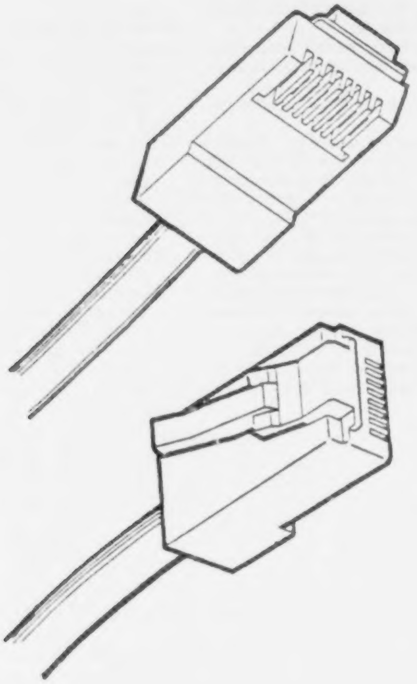
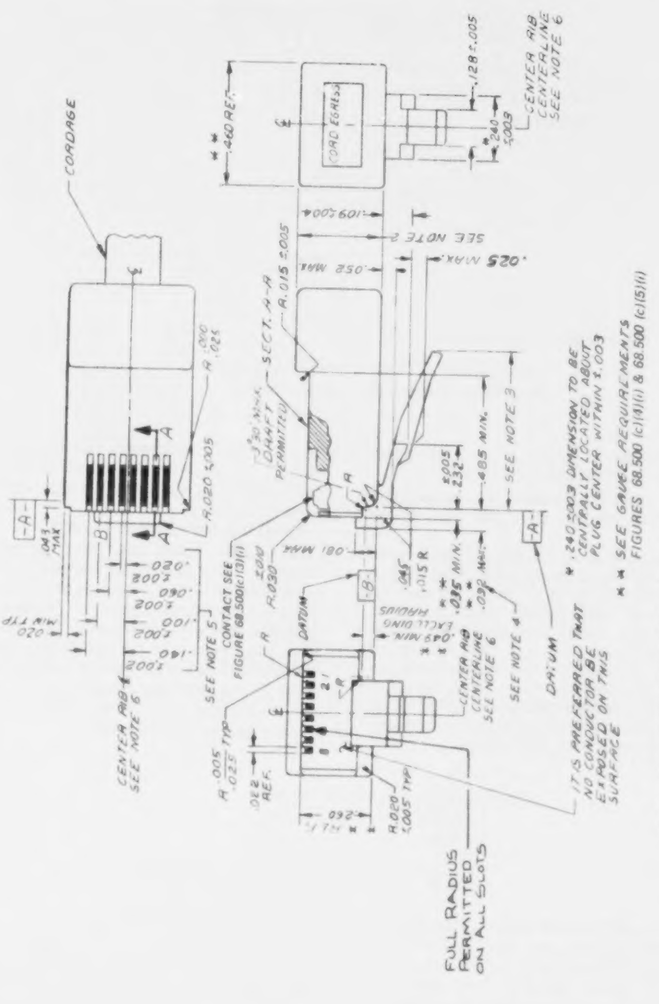


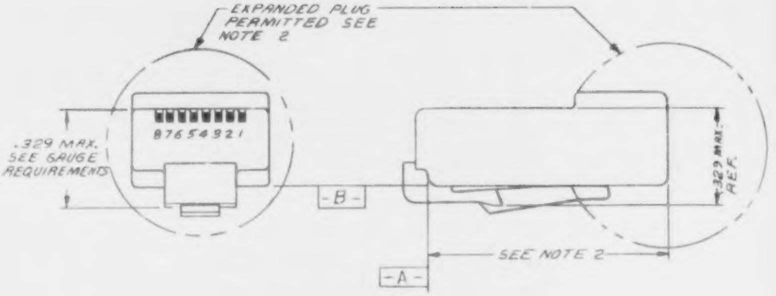
Figure 68.500(c)(1)(i) – View

Note: This plug is depicted with its full 8 contact capacity. It may be fabricated with less than 8 contacts.


CORDAGE
CORD EGRESS
** .460 REF.
.128 ±.005
*.240 ±.003
CENTER RIB CENTERLINE SEE NOTE 6
.109 ±.004
SEE NOTE 2
.052 MAX.
.025 MAX.
SECT. A-A
R.015 ±.005
3°30' MAX. DRAFT PERMITTED
.232 ±.005
.485 MIN.
SEE NOTE 3
R.010 .025
R.020 ±.005
A
B
-A-
.043 MAX
.020 MIN TYP
.020 ±.002
.060 ±.002
.100 ±.002
.140 ±.002
CENTER RIB & SEE NOTE 6
SEE NOTE 5
CONTACT SEE FIGURE 68.500(c)(3)(i)
R.030 .010
.180 MAX
DATUM
-B-
.045 .015 R
** .085 MIN.
** .032 MAX.
.049 MIN EXCLUDING RADIUS
CENTER RIB CENTERLINE SEE NOTE 6
SEE NOTE 4
DATUM
R .005 .025 TYP
.032 REF.
.260 ±.002
R.020 ±.005 TYP
R
2
1
8
FULL RADIUS PERMITTED ON ALL SLOTS
IT IS PREFERRED THAT NO CONDUCTOR BE EXPOSED ON THIS SURFACE
* .240 ±.003 DIMENSION TO BE CENTRALLY LOCATED ABOUT PLUG CENTER WITHIN ±.003
** SEE GAUGE REQUIREMENTS FIGURES 68.500 (c)(4)(i) & 68.500 (c)(5)(i)

NOTE: ALL NOTES FOLLOW FIGURE 68.500 (c)(2)(ii)

Figure 68.500(c)(2)i–8 Position Unkeyed Plug, Mechanical Specification

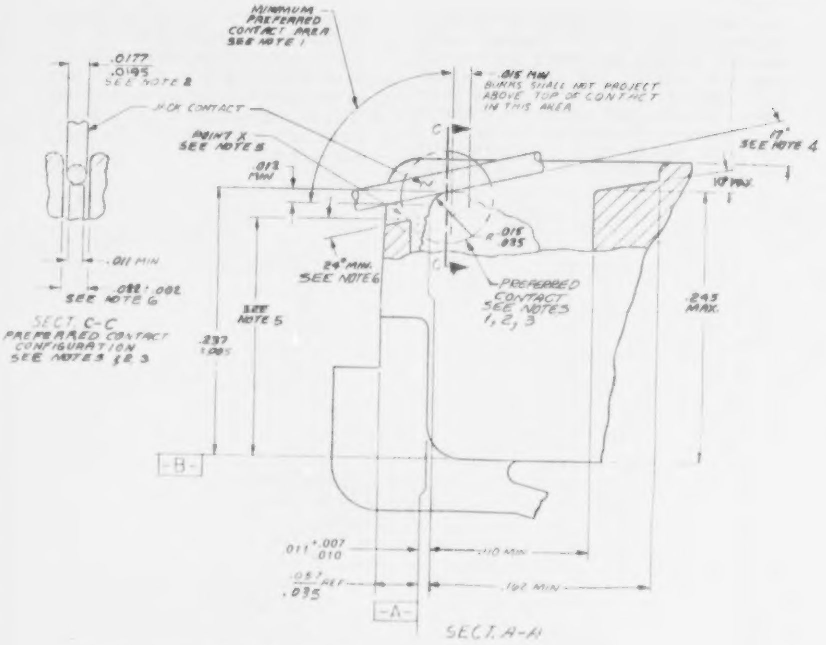

EXPANDED PLUG PERMITTED SEE NOTE 2
87654321
.329 MAX. SEE GAUGE REQUIREMENTS
-B-
.329 MAX. REF.
SEE NOTE 2
-A-

NOTE ALL NOTES FOLLOW THIS FIGURE

Figure 68.500(c)(2)(ii)–8 Position Unkeyed Plug, Mechanical Specification (Continued)

NOTES: (Notes apply to Figures 68.500(c)(2)(i) and 68.500(c)(2)(ii))

1. All plugs must be capable of meeting the requirements of the plug go and no-go gauges.
2. The standard plug height in the area shown is .315 inch maximum. The standard plug length is .910 inch maximum. Plugs may be made longer than standard or adapted for direct use on special cords, adapters without cordage, apparatus or equipment subject to the limitations described in the introductory paragraphs of 68.500. Plugs longer and/or higher than standard may inhibit the special features of some network jack enclosures.
3. A .575 inch minimum tab length is required. It is preferred that a maximum tab length be no longer than .625 inch. Longer tabs may be used with the same limitations described in Note 2.
4. To obtain maximum plug guidance in jacks, it is desirable to extend the front plug nose to the .092 inch maximum.
5. These dimensions apply to the location of jack contact receiving slots. It is desirable that plug contacts be centered axially in these slots, but centering is not required.
6. The center rib centerline shall be coincident with the plug width (.460 ref.) centerline within ± .003 inch.


MINIMUM PREFERRED CONTACT AREA SEE NOTE 1
.0177
.0195
SEE NOTE 2
JACK CONTACT
POINT X SEE NOTE 5
.012 MIN
.015 MIN BURRS SHALL NOT PROJECT ABOVE TOP OF CONTACT IN THIS AREA
C
C
17° SEE NOTE 4
10° MAX.
R .015 .035
24° MIN. SEE NOTE 6
PREFERRED CONTACT SEE NOTES 1, 2, 3
.245 MAX.
.011 MIN
.022 ± .002 SEE NOTE 6
SECT. C-C PREFERRED CONTACT CONFIGURATION SEE NOTES 1 & 3
SEE NOTE 5
.237 ±.005
-B-
.011 +.007 .010
.110 MIN
.057 .035 REF
.162 MIN
-A-
SECT. A-A

NOTE: ALL NOTES FOLLOW THIS FIGURE

NOTE: THE 6 POSITION PLUG/JACK CONTACT SPECIFICATION IS IDENTICAL

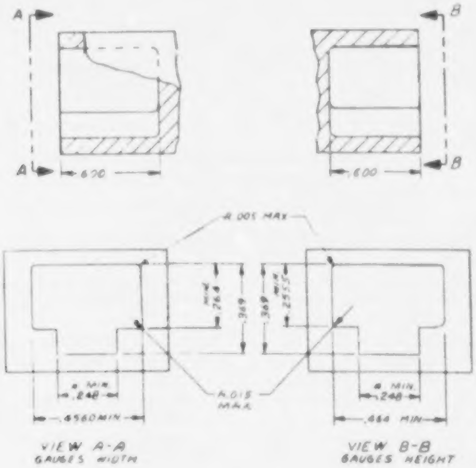
Figure 68.500(c)(3)(i)—8 Position Unkeyed Plug
Plug/Jack Contact Specification

NOTES: (Notes apply to Figure 68.500(c)(3)(i))

1. The plug/jack contact interface should be hard gold to hard gold and should have a minimum gold thickness of 0.000050 inch on each side of the interface. The minimum contact force should be 100 grams. Any non-gold contact material must be compatible with gold and provide equivalent contact performance. A smooth, burr-free surface is required at the interface in the area shown.
2. The jack contact design is based upon .018 inch spring temper phospher bronze round wire in the modular plug blade and jack contact interface. Other contact configurations that provide contact performance equal to or better than the preferred configurations and do not cause damage to the plug or jack are permitted. The preferred jack contact width is .0177/.0195 inches. Deviations from the preferred jack contact width are permitted for round contacts as well as noncircular cross sectional shapes but they must be compatible with existing plug configurations. The requirements of Note 1 apply to all possible contact areas.
3. The configuration of the plug contact and the front plastic of the plug should prevent jack contacts from being damaged during plug insertion into jacks.
4. This is the suggested nominal contact angle between plugs and jacks with the

plug latched into the jack. If this angle becomes greater than 24 degrees loss of electrical contact may occur between the plug and jack. If the nominal contact angle becomes less than 13 degrees, interference between jack contacts and the internal plastic in the plug may occur.

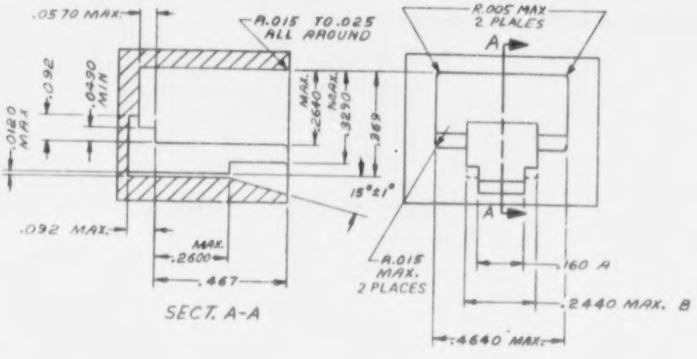
5. To avoid loss of electrical contact, the preferred dimension from datum B to the highest point "x" should be .200 inch max. A dimension greater than .211 inch may result in loss of electrical contact between plugs and jacks. The .211 inch max. shall be considered an absolute maximum.
6. The 24 degree min. angle applies only to plugs with front plastic walls higher than .190 inches.


A
A
.600
B
B
.600
R .005 MAX
MIN .264
.369
.369
MIN .2555
R .015 MAX
* MIN .248
.4560MIN
* MIN. .248
.464 MIN
VIEW A-A
GAUGES WIDTH
VIEW B-B
GAUGES HEIGHT

NO — GO GAUGE

1. The plug shall not be capable of entering the gauge more than .010 inch beyond datum – A – (see Figure 68.500(c)(2)(i)) with 2.0 pounds insertion force.
2. Non-toleranced dimensions given to three places shall be within ± .002 inch.
3. * .248 dimension to be centrally located with respect to .464 minimum and .4560 minimum within ± .002 inch.

Figure 68.500(c)(4)(i)-8 Position Unkeyed Plug, Minimum Plug Size


.0570 MAX.
R.015 TO .025 ALL AROUND
.092
.0490 MIN
.0120 MAX
MAX. .2640
MAX. .3290
.369
15°±1°
.092 MAX.
MAX. .2600
.467
SECT. A-A
R.005 MAX 2 PLACES
A
A
R.015 MAX. 2 PLACES
.160 A
.2440 MAX. B
.4640 MAX.

GO GAUGE

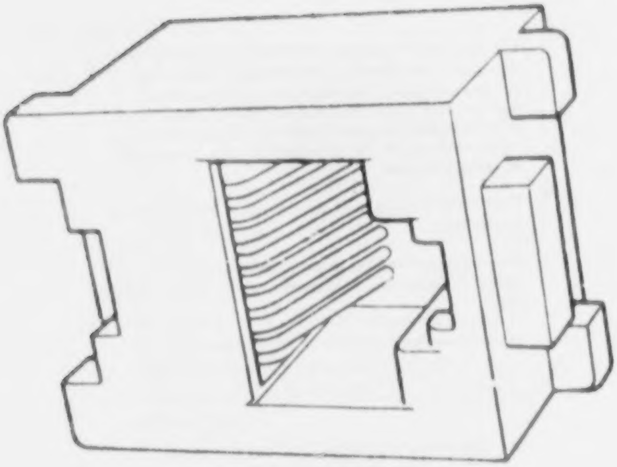
Notes:

1. The plug shall be capable of insertion and latching into the gauge with 5 pounds or less insertion force. Plug latching bar shall be depressed so as not to interfere with the plug entry. After insertion and latching, plug shall be capable of removal, with the latch depressed, with a removal force of 10 pounds or less applied at an advantageous angle.
2. Dimensions given to three decimal places shall be within ± .002 inch.
3. Dimensions (A) and (B) to be centrally located with respect to .4640 max. jack opening width within ± .001 inch.
4. Do not scale drawings for external configuration.

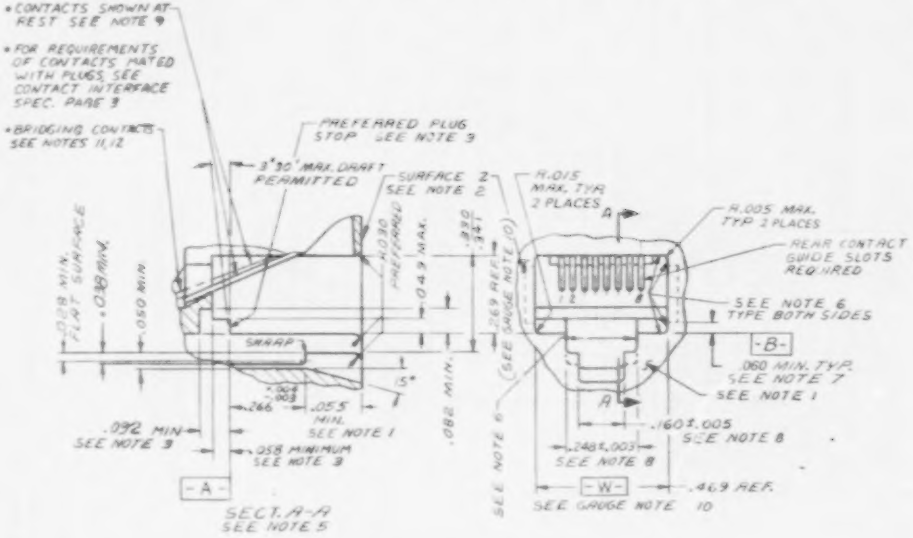
Figure 68.500(c)(5)i–8 Position Unkeyed Plug, Maximum Plug Size

(d) *Miniature 8-position series jack:*

Figure 68.500(d)(1)--View

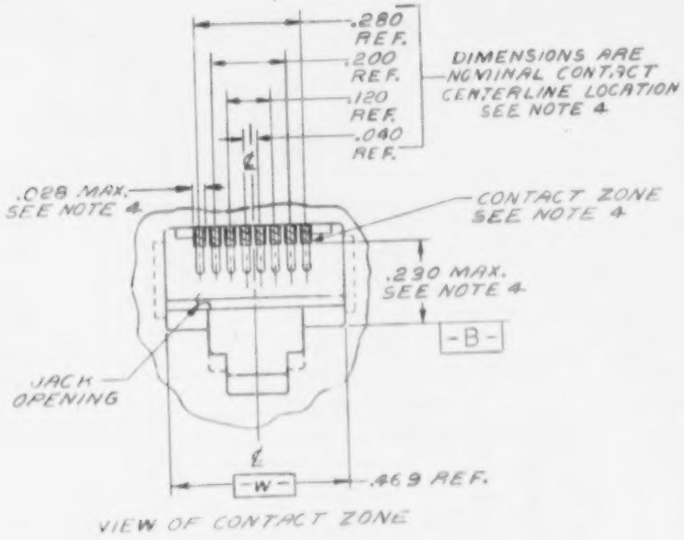


Note: This jack is depicted with 8 contacts. It may be fabricated with less than 8 contacts.


• CONTACTS SHOWN AT REST SEE NOTE 9
• FOR REQUIREMENTS OF CONTACTS MATED WITH PLUGS, SEE CONTACT INTERFACE SPEC. PARE 3
• BRIDGING CONTACTS SEE NOTES 11,12
PREFERRED PLUG STOP SEE NOTE 3
3°30' MAX. DRAFT PERMITTED
SURFACE Z SEE NOTE 2
R.030 PREFERRED
.049 MAX.
.330 .341
.269 REF. (SEE GAUGE NOTE 10)
.028 MIN. FLAT SURFACE
.038 MIN.
.050 MIN
SHARP
15°
+.004 -.003
.266
.055 MIN. SEE NOTE 1
.082 MIN.
.092 MIN SEE NOTE 3
.058 MINIMUM SEE NOTE 3
-A-
SECT. A-A SEE NOTE 5
R.015 MAX. TYP. 2 PLACES
A
R.005 MAX. TYP 2 PLACES
REAR CONTACT GUIDE SLOTS REQUIRED
1 2
8
SEE NOTE 6 TYPE BOTH SIDES
-B-
.060 MIN. TYP. SEE NOTE 7
SEE NOTE 1
A
.160±.005 SEE NOTE 8
.248±.003 SEE NOTE 8
SEE NOTE 6
-W-
.469 REF.
SEE GAUGE NOTE 10

NOTE: ALL NOTES FOLLOW FIGURE 68.500(d)(3)(i)

Figure 68.500(d)(2)(i)–8 Position Series Jack, Mechanical Specification


.280 REF.
.200 REF.
.120 REF.
.040 REF.
DIMENSIONS ARE NOMINAL CONTACT CENTERLINE LOCATION SEE NOTE 4
℄
.028 MAX. SEE NOTE 4
CONTACT ZONE SEE NOTE 4
.230 MAX. SEE NOTE 4
-B-
JACK OPENING
℄
-W-
.469 REF.
VIEW OF CONTACT ZONE

NOTE: ALL NOTES FOLLOW THIS FIGURE

Figure 68.500(d)(3)(i)—8 Position Series Jack, Mechanical Specification (Continued)

NOTES: (Notes apply to Figures 68.500(d)(2)(i) and 68.500(d)(3)(i))

1. Front surface projections beyond the .055 minimum shall be configured so as not to prevent finger access to the plug release catch (Reference Figure 68.500(a)(2)(i) and Figure 68.500(c)(2)(i), 6 and 8-Position Plug, Mechanical Specifications). A catch length greater than .055 is beneficial in providing for greater breakout strength and improved guidance when interfacing with a 6-position plug.
2. Surface Z need not be planar or coincident with the surface under the plug release catch. Surface Z projections must not prevent insertion, latching, and unlatching of the standard 8-position plug on Figure 68.500(c)(2)(i).
3. The preferred plug stop surface is indicated. If some other internal feature is used as a plug stop, it must be located so that the axial movement of a latched plug is no greater than 0.045-inch.
4. To prevent mistargeting between the plug and jack contacts, the jack contacts should be completely contained in their individual contact zones, (.028 inch max wide), where they extend into the jack openings. There is no location requirement for jack contacts below these zones (.230 inch max), but adequate contact separation must be maintained to prevent electrical breakdown. These shaded contact zones should be centrally located, (include all locating tolerances), about the jack opening width .469 Ref, (Datum -W-). Contacts located outside of these zones may result in mistargeting between the jack and plug contacts.

5. All inside and outside corners in the plug cavity to be .015 inch radius max unless specified.
6. These surfaces shall have 0°15′ maximum draft.
7. Relief inside the dotted areas on both sides of the jack opening is permitted. The .269 Ref and .469 Ref Gauge Requirements must be maintained in each of the corners indicated, (Ref. 0.060 inch min), to assure proper plug/jack interface guidance.
8. 0.160- and 0.248-inch dimensions to be centrally located to jack opening width -W- within ± .005-inch.
9. The contact lengths shall be such that the contacts will always be contained inside the guide slots, and the contacts must move freely in the slots so as not to restrain plug insertion or damage jack contacts.
10. Gauge Requirements:

GO: The jack shall be capable of accepting a 0.4640-inch x 0.2640-inch gauge and the gauge shall be capable of being removed with a maximum force of 2.0 pounds.

NO GO: The jack shall not accept either a 0.4740-inch x 0.254-inch horizontal width of opening gauge or a 0.2740-inch x 0.456-inch vertical height of opening gauge. However, if the gauge is accepted, the force necessary to remove the gauge shall be minimum of 3.0 ounces.

Removal forces do not include forces contributed by contact springs nor shall external forces be applied to the jack that will affect these removal forces.

Gauges shall have a 0.030-inch radius on the nose and a 0.015-inch radius on all edges with clearance provided for contacts.

11. With no plug inserted, conductors 1 and 4 are bridged as well as conductors 5 and 8. With a miniature 8-position plug inserted into the jack, the bridge connectors are broken and a series connection can be made in both sides of the line. With a 6-position plug inserted, the bridged connections remain unbroken.
12. The jack contact/bridging interface should be hard gold to hard gold and should have a minimum gold thickness of 0.000050 inch on each side of the interface. The minimum contact bridging force should be 30 grams. Any non-gold contact material must be compatible with gold and provide equivalent contact performance.

(e) *50-position miniature ribbon plug:*

(1) Contact finish in the region of contact shall be gold, 0.000030 inch minimum thickness, electrodeposited hard gold preferred.[1]

(2) "Datum B" is the center line of contact cavities.

(3) The center line of each contact shall be located within 0.009 inch of true position with respect to "Datum B".[1]

(4) Contact width at region of contact shall be 0.045 ± 0.002 inch.[1]

(5) Center line of shell dimension indicated shall be within 0.005 inch of "Datum B".[1]

(6) Center line of barrier dimension indicated shall be within 0.005 inch of "Datum B".[1]

(7) "Surface X" shall have a 4 microinch finish or better; finishing shall be done in the direction of the arrow.[2]

(8) A force of not more than 40 pounds shall be sufficient to fully insert the plug onto the sizing gauge shown on Figure 68.500(e)(1). The plug is fully inserted when "Surface A" of the plug[1] touches "Surface A" of the sizing gauge.

(9) After one insertion of the plug on the sizing gauge, Figure 68.500(e)(2), a force of not more than 10 pounds shall be sufficient to fully insert the plug on the continuity gauge shown in Figure 68.500(e)(3). The plug is fully inserted on the continuity gauge when "Surface A" of the plug[1] touches "Surface A" of the continuity gauge.

(10) When the plug is fully inserted on the continuity gauge, Figure 68.500(e)(3), after having been inserted once on the sizing gauge, Figure 68.500(e)(2), all contacts of the plug shall electrically contact the continuity gauge as determined by an electrical continuity test which applies an open circuit voltage of not more than 10 volts, and will not indicate continuity if the resistance of the circuit being checked is more than 200 ohms.

---

[1] Figure 68.500(e)(1).

[2] Figures 68.500(e)(2) and (e)(3).

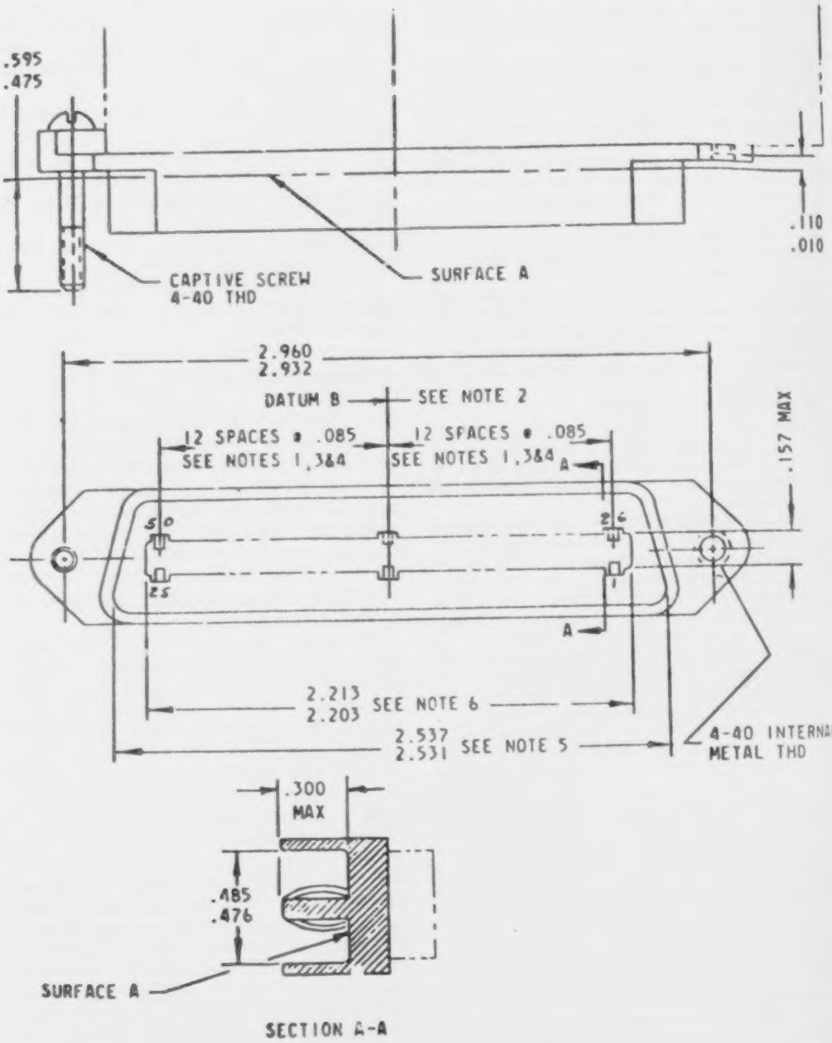

.595
.475
CAPTIVE SCREW
4-40 THD
SURFACE A
.110
.010
2.960
2.932
DATUM B
SEE NOTE 2
12 SPACES • .085
SEE NOTES 1,3&4
12 SPACES • .085
SEE NOTES 1,3&4
A
.157 MAX
50
26
25
1
A
2.213
2.203 SEE NOTE 6
2.537
2.531 SEE NOTE 5
4-40 INTERNA
METAL THD
.300
MAX
.485
.476
SURFACE A
SECTION A-A

Figure 68.500(e)(1)--50 Position Miniature Ribbon Plug

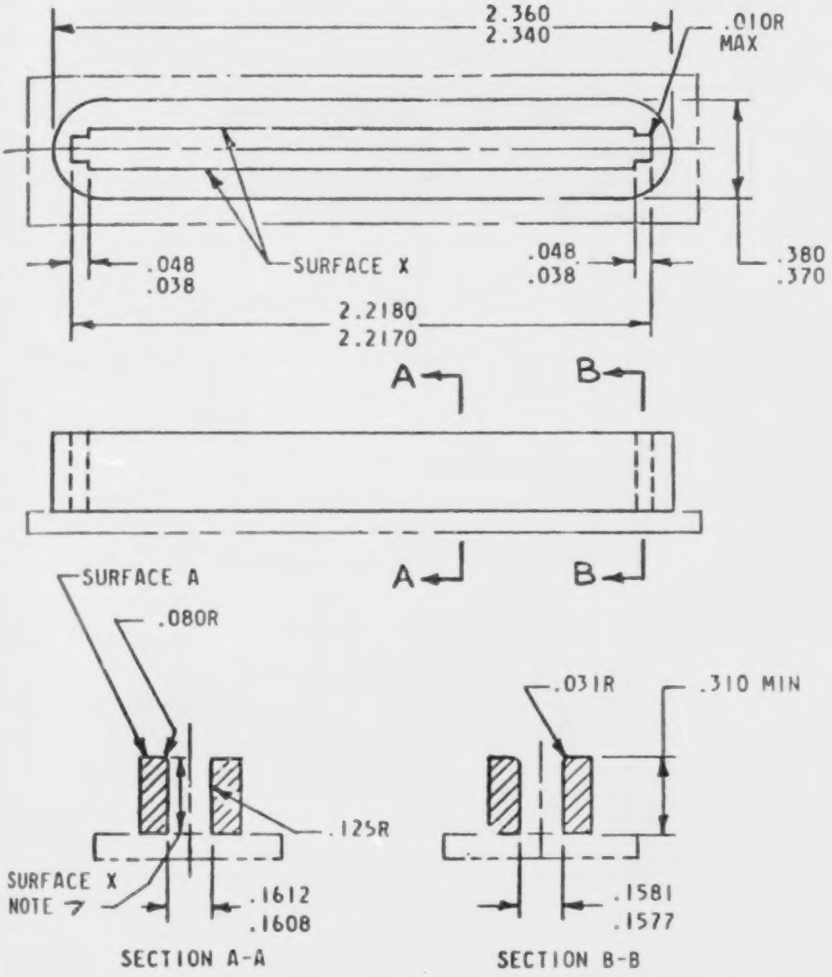

2.360
2.340
.010R
MAX
.048
.038
SURFACE X
.048
.038
.380
.370
2.2180
2.2170
A
B
A
B
SURFACE A
.080R
.031R
.310 MIN
.125R
SURFACE X
NOTE 7
.1612
.1608
.1581
.1577
SECTION A-A
SECTION B-B

Figure 68.500(e)(2)--50 Position Miniature Ribbon Plug Sizing Guage

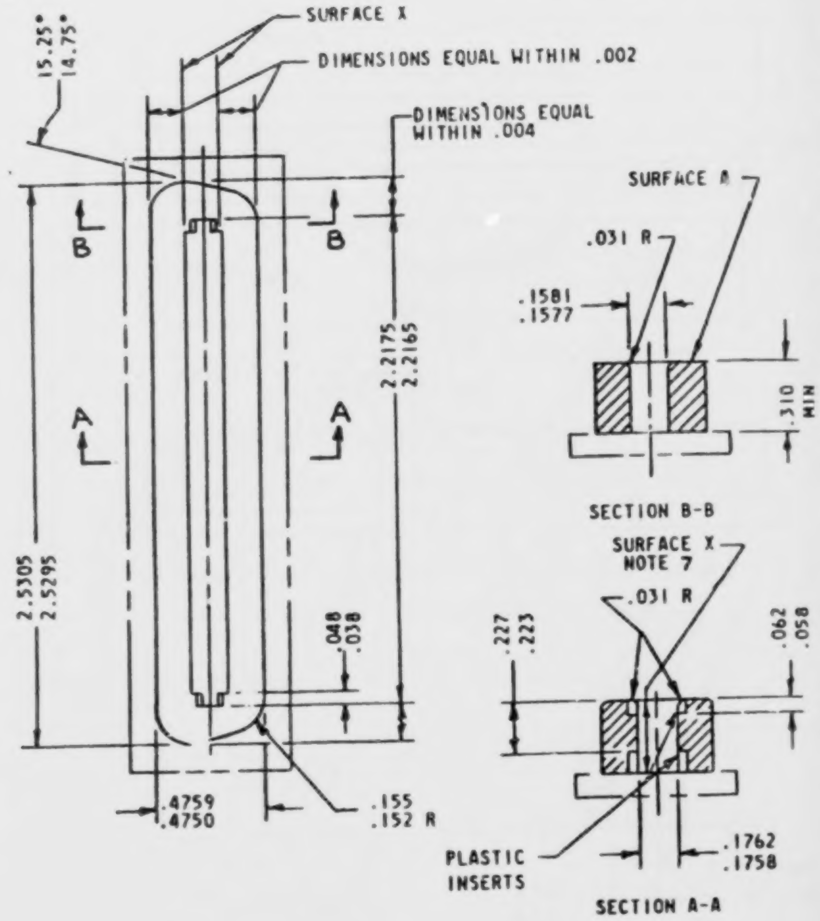
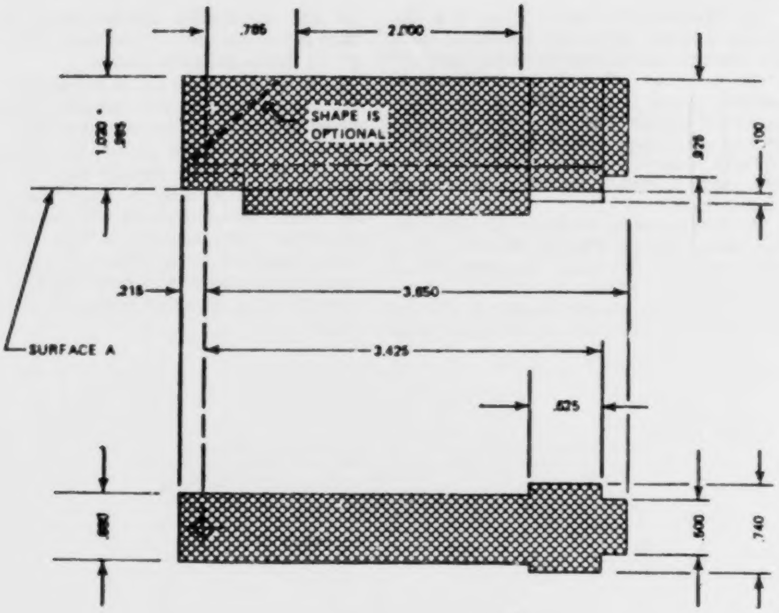

SURFACE X
DIMENSIONS EQUAL WITHIN .002
DIMENSIONS EQUAL WITHIN .004
15.25°
14.75°
B
B
A
A
2.2175
2.2165
2.5305
2.5295
.048
.038
.4759
.4750
.155
.152 R
SURFACE A
.031 R
.1581
.1577
.310 MIN
SECTION B-B
SURFACE X NOTE 7
.031 R
.227
.223
.062
.058
PLASTIC INSERTS
.1762
.1758
SECTION A-A

Figure 68.500(e)(3)--50 Position Miniature Ribbon Plug Continuity Guage



PLUG AND HOOD SHALL FIT IN AN ENVELOPE DEFINED BY THE CROSS-HATCHED AREA.

* THE 1.020 MAX DIMENSION APPLIES FOR THE ENTIRE HOOD LENGTH. THE .985 DIMENSION APPLIES TO THE 2.000 SECTION OF THE HOOD.

Figure 68.500(e)(4)

50-POSITION MINIATURE RIBBON PLUG – HOOD ENVELOPE

(f) *50-position miniature ribbon jack:*

(1) Contact finish in the region of contact shall be gold, 0.000030 inch minimum thickness, electrodeposited hard gold preferred.[1]

(2) "Datum B" is the center line of contact cavities.

(3) The center line of each contact shall be located within 0.009 inch of true position with respect to "Datum B".[1]

(4) Contact width at region of contact shall be 0.045 ± 0.002 inch.[1]

(5) Center line of shell dimension indicated shall be within 0.005 inch of "Datum B".[1]

(6) Center line of cavity dimension indicated shall be within 0.005 inch of "Datum B".[1]

---

[1] Figure 68.500(f)(1).

(7) "Surface X" shall have a 4 microinch finish or better; finishing shall be done in the direction of the arrow.[2]

(8) A force of not more than 30 pounds shall be sufficient to fully insert the jack onto the sizing gauge shown on Figure 68.500(f)(2). The jack is fully inserted when "Surface A" of the jack[1] touches "Surface A" of the sizing gauge.

(9) After one insertion of the jack on the sizing gauge, Figure 68.500(f)(2), a force of not more than 10 pounds shall be sufficient to fully insert the jack on the continuity gauge shown in Figure 68.500(f)(3). The jack is fully inserted on the continuity gauge when "Surface A" of the jack[1] touches "Surface A" of the continuity gauge.

(10) When the jack is fully inserted on the continuity gauge, Figure 68.500(f)(3), after having been inserted once on the sizing gauge, all contacts of the jack shall electrically contact the continuity gauge as determined by an electrical continuity test which applies an open circuit voltage of not more than 10 volts, and will not indicate continuity if the resistance of the circuit being checked is more than 200 ohms.

---

[2] Figures 68.500 (f)(2) and (f)(3).

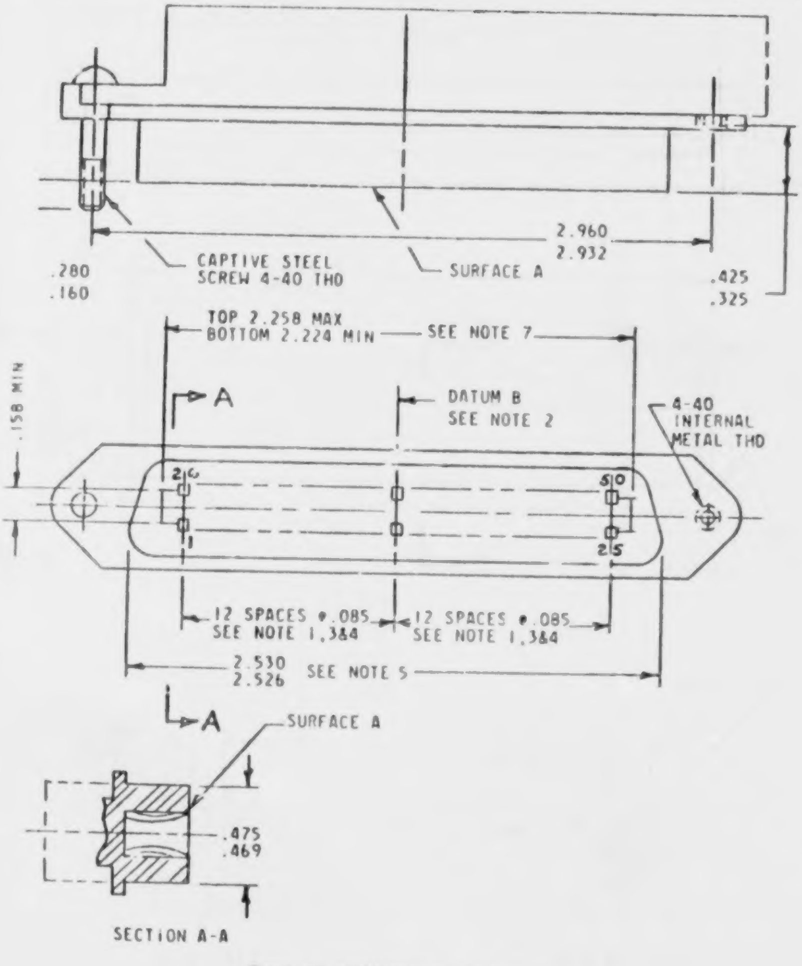

2.960
2.932
.280
.160
CAPTIVE STEEL
SCREW 4-40 THD
SURFACE A
.425
.325
TOP 2.258 MAX
BOTTOM 2.224 MIN
SEE NOTE 7
.158 MIN
A
DATUM B
SEE NOTE 2
4-40
INTERNAL
METAL THD
26
1
50
25
12 SPACES @ .085
SEE NOTE 1,3&4
12 SPACES @ .085
SEE NOTE 1,3&4
2.530
2.526
SEE NOTE 5
A
SURFACE A
.475
.469
SECTION A-A

Figure 68.500(f)(1)--50 Position Miniature Ribbon Jack

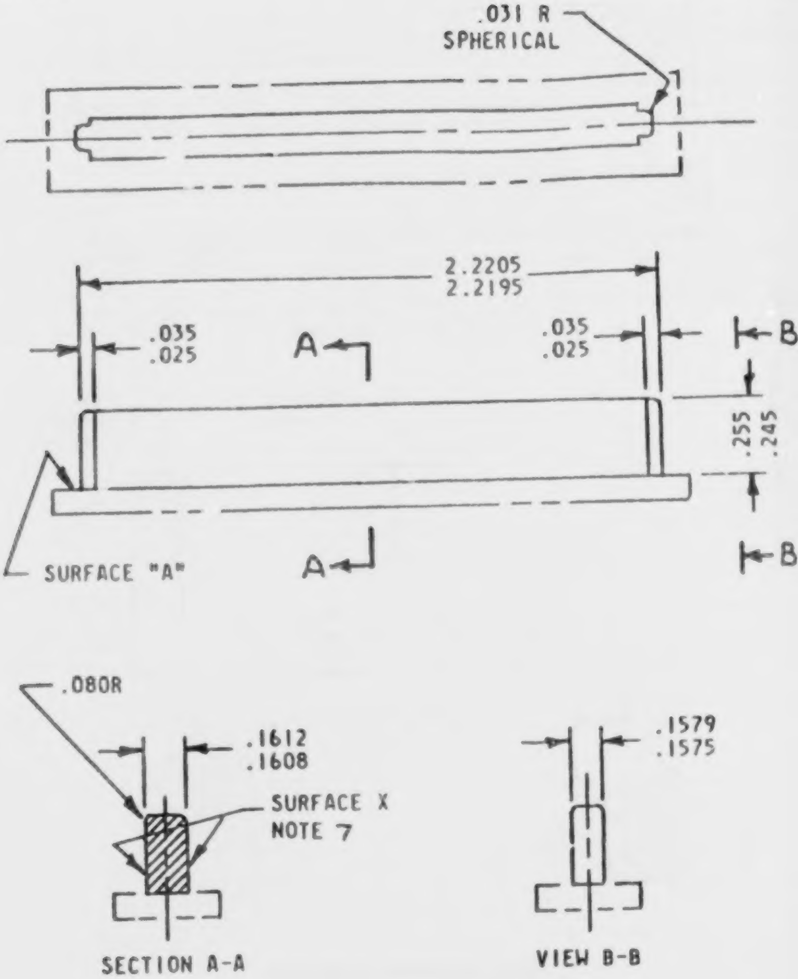
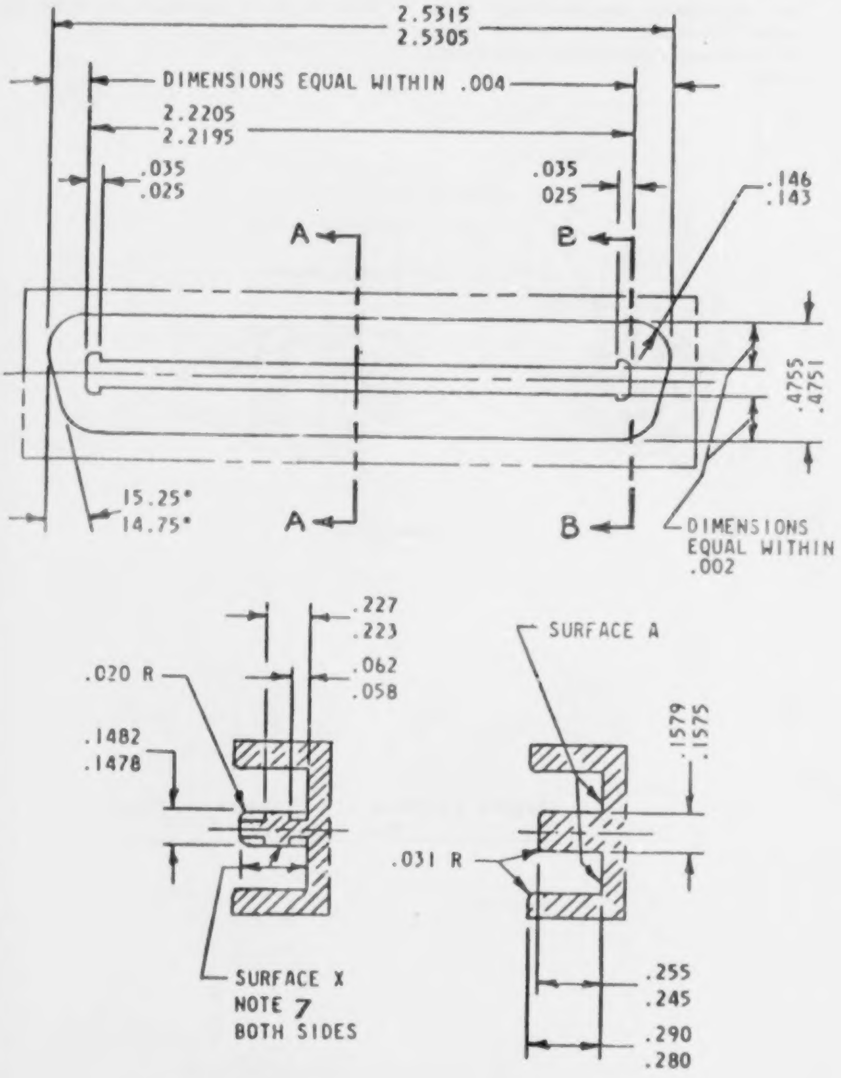

.031 R
SPHERICAL
2.2205
2.2195
.035
.025
A
.035
.025
B
.255
.245
SURFACE "A"
A
B
.080R
.1612
.1608
SURFACE X
NOTE 7
SECTION A-A
.1579
.1575
VIEW B-B

Figure 68.500(f)(2)--50 Position Miniature Ribbon Jack Sizing Guage


2.5315
2.5305
DIMENSIONS EQUAL WITHIN .004
2.2205
2.2195
.035
.025
.035
025
.146
.143
A
A
B
B
.4755
.4751
15.25°
14.75°
DIMENSIONS
EQUAL WITHIN
.002
.227
.223
.062
.058
.020 R
.1482
.1478
SURFACE X
NOTE 7
BOTH SIDES
SURFACE A
.1579
.1575
.031 R
.255
.245
.290
.280

SECTION A-A SECTION B-B

Figure 68.500(f)(3)--50 Position Miniature Ribbon Jack Continuity Quage

(g) *3-position weatherproof plug:* Contact blade material shall be brass, with minimum 0.0003 inch thick nickel plating.

NOTE: All linear dimensions are in inches.

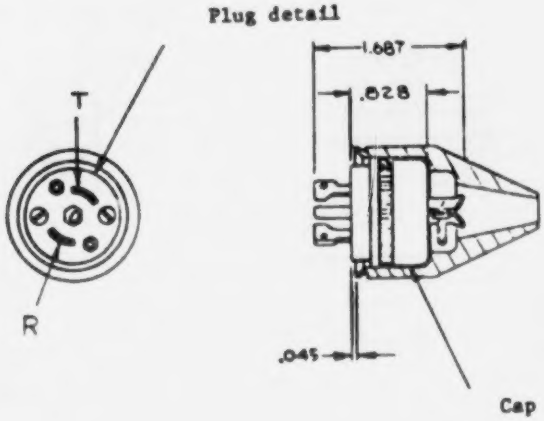
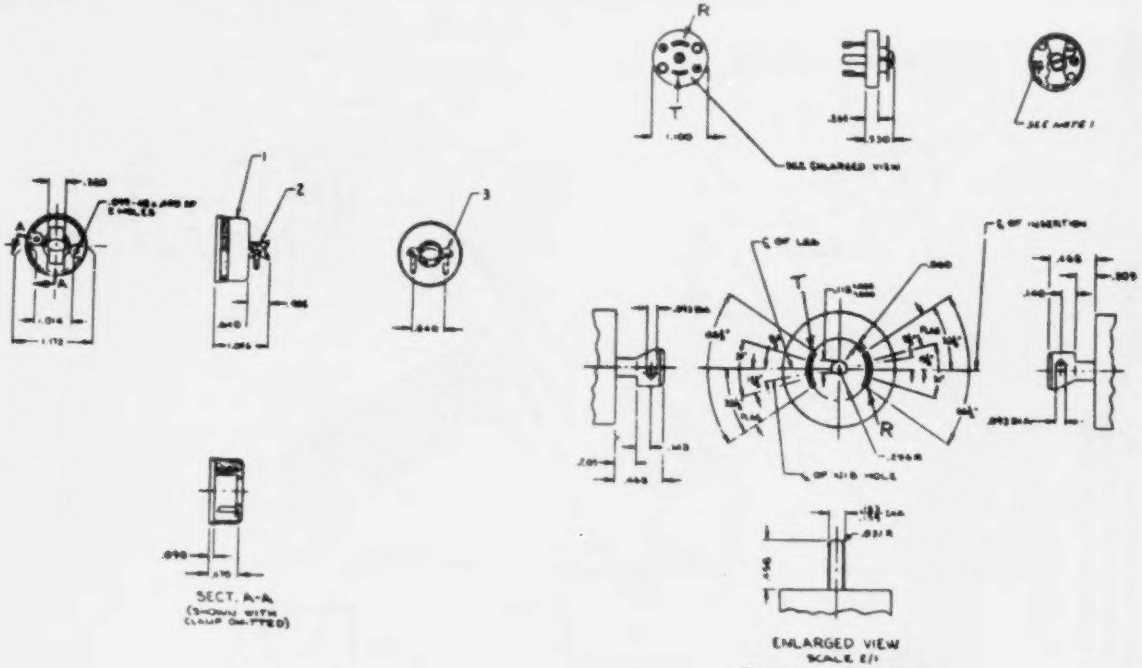

Plug detail
T
R
1.687
.828
.045
Cap

Figure 68.500(g)(1)--3 Position Plug
Plug Assembly


R
T
1.100
.530
SEE NOTE 1
SEE ENLARGED VIEW
℄ OF INSERTION
℄ OF LUG
.060
T
R
.093 DIA
.498
.209
.140
.143
.296 R
℄ OF NIB HOLE
.031 R
ENLARGED VIEW
SCALE 2/1
(SHOWN ROTATED 90° CLOCKWISE)
.380
A
A
1
2
3
.640
.640
.090
.170
SECT. A-A
(SHOWN WITH CLAMP OMITTED)

Cap

Plug Detail

Figure 68.500(g)(2)--3 Position Plug Detail

(h) *3-position weatherproof jack:* Contact blade material shall be brass, with minimum 0.0003 inch thick nickel plating.

NOTE: All linear dimensions are in inches.

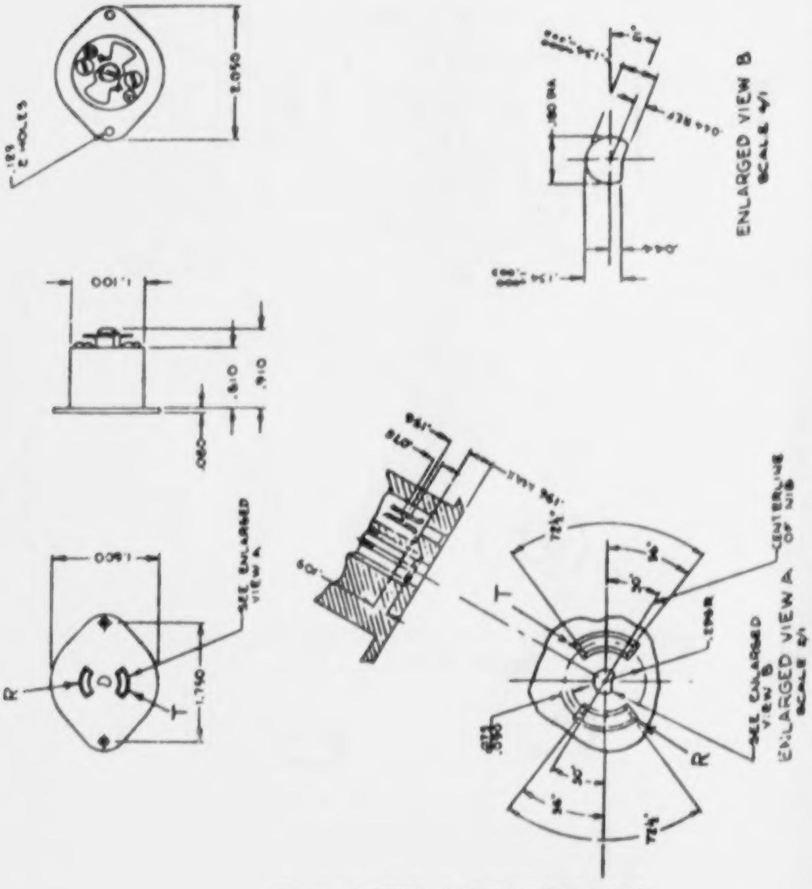

2.050
.189 2 HOLES
1.100
.810
.910
.060
1.800
1.750
R
T
SEE ENLARGED VIEW A
ENLARGED VIEW B SCALE 4/1
ENLARGED VIEW A SCALE 2/1
SEE ENLARGED VIEW B
CENTERLINE OF NIB
72½°
30°
R

Figure 68.500(h)--3 Position Plug Detail

(i) *Miniature 8-position plug, keyed:*

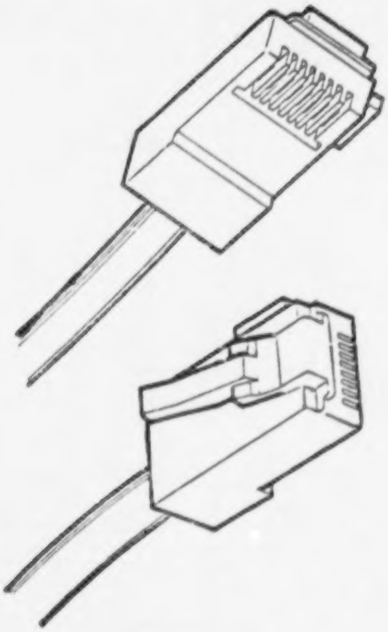
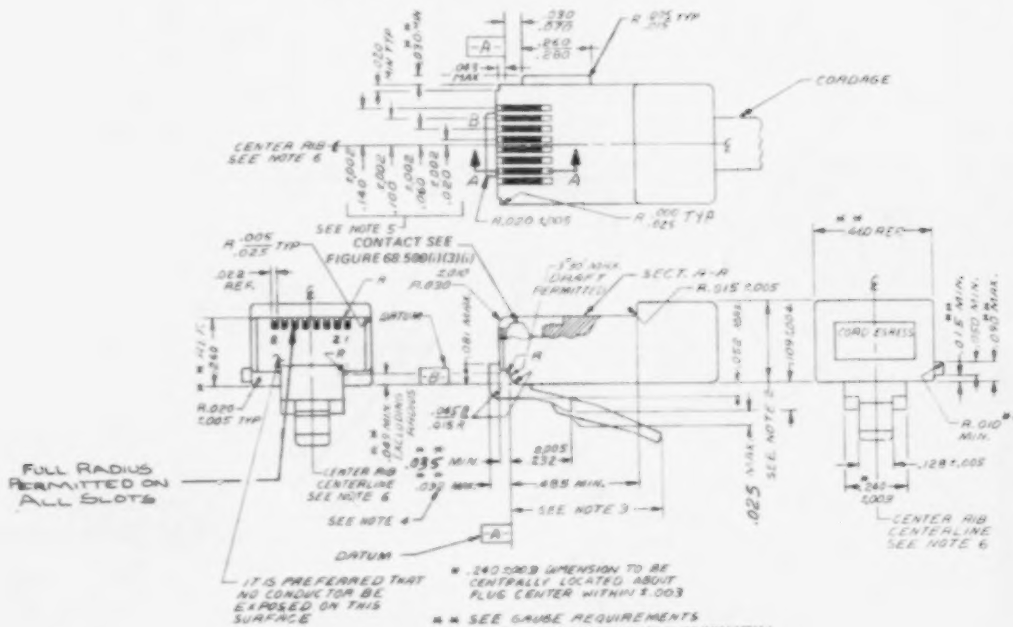


Figure 68.500(i)(1)(i)–View

Note: This plug is depicted with its full 8 contact capacity.
It may be fabricated with less than 8 contacts.

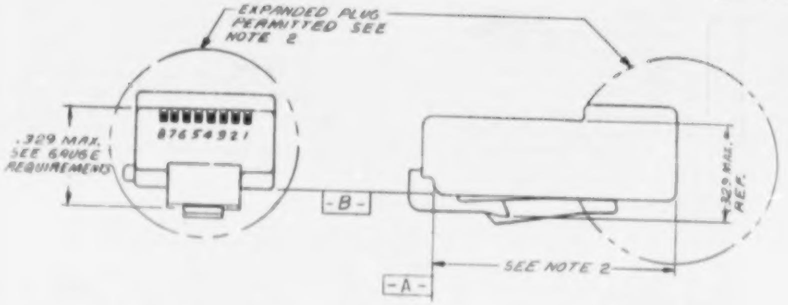

CORDAGE
CENTER RIB ℄
SEE NOTE 6
SEE NOTE 5
R .020 ±.005
R .000 .025 TYP
R .075 .015 TYP
.030 .070
.260 .280
.083 MAX
-A-
B
A
A
.020 MIN TYP
.030 MIN
.140 ±.002
.100 ±.002
.060 ±.002
.020 ±.002
CONTACT SEE
FIGURE 68.500(i)(3)(i)
R .005 .025 TYP
.028 REF.
R
8
2 1
R .020 ±.005 TYP
.240
DATUM
-B-
2.010
R.030
.081 MAX
.049 MIN EXCLUDING RADIUS
.045 R .015 R
.035 MIN
.030 MAX
SEE NOTE 4
CENTER RIB CENTERLINE SEE NOTE 6
±.005 .232
.485 MIN.
SEE NOTE 3
DATUM
-A-
3°30′ MAX. DRAFT PERMITTED
SECT. A-A
R .015 ±.005
.052 MIN
.109 ±.004
.025 MAX
SEE NOTE 2
.440 REF.
CORD EXRESS
.015 MIN.
.050 MIN.
.090 MAX.
R .010 MIN.
.128 ±.005
.240 ±.003
CENTER RIB CENTERLINE SEE NOTE 6
FULL RADIUS PERMITTED ON ALL SLOTS
IT IS PREFERRED THAT NO CONDUCTOR BE EXPOSED ON THIS SURFACE

* .240 ±.003 DIMENSION TO BE CENTRALLY LOCATED ABOUT PLUG CENTER WITHIN ±.003

** SEE GAUGE REQUIREMENTS SEE FIGURES 68.500(i)(4)(i) & 68.500(i)(5)(i)

NOTE: ALL NOTES FOLLOW FIGURE 68.500(i)(2)(ii)

Figure 68.500(i)(2)(i)—8 Position Keyed Plug, Mechanical Specification

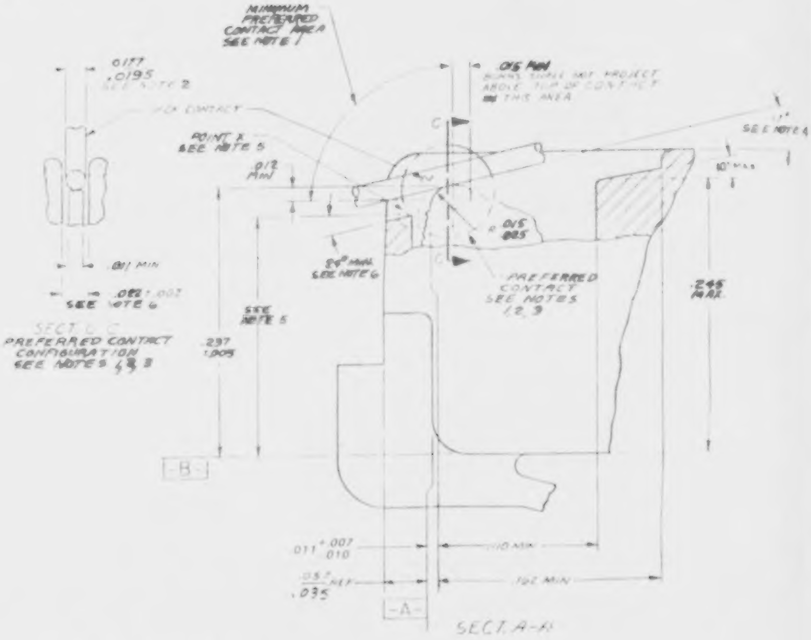

EXPANDED PLUG PERMITTED SEE NOTE 2
.329 MAX. SEE GAUGE REQUIREMENTS
87654321
-B-
.329 MAX. REF.
SEE NOTE 2
-A-

NOTE ALL NOTES FOLLOW THIS FIGURE

Figure 68.500(i)(2)(ii)—8 Position Keyed Plug, Mechanical Specification (Continued)

NOTES: (Notes apply to Figures 68.500(i)(2)(i) and 68.500(i)(2)(ii))

1. All plugs must be capable of meeting the requirements of the plug go and no-go gauges.
2. The standard plug height in the area shown is .315 inch maximum. The standard plug length is .910 inch maximum. Plugs may be made longer than standard or adapted for direct use on special cords, adapters without cordage, apparatus or equipment subject to the limitations described in the introductory paragraph of 68.500. Plugs longer and/or higher than standard may inhibit the special features of some network jack enclosures.
3. A .575 inch minimum tab length is required. It is preferred that a maximum tab length be no longer than .625 inch. Longer tabs may be used with the same limitations described in Note 2.
4. To obtain maximum plug guidance in jacks, it is desirable to extend the front plug nose to the .092 inch maximum.
5. These dimensions apply to the location of jack contact receiving slots. It is desirable that plug contacts be centered axially in these slots, but centering is not required.
6. The center rib centerline shall be coincident with the plug width (.460 ref.) center line within ± .003 inch.


MINIMUM PREFERRED CONTACT AREA SEE NOTE 1
.0177
.0195
SEE NOTE 2
JACK CONTACT
POINT X SEE NOTE 5
.012 MIN
.015 MIN
BURRS SHALL NOT PROJECT ABOVE TOP OF CONTACT IN THIS AREA
C
C
SEE NOTE 4
10° MAX
R .015 .005
24° MIN SEE NOTE 6
.011 MIN
.022 ± .002 SEE NOTE 6
SECT. C-C
PREFERRED CONTACT CONFIGURATION SEE NOTES 1, 2, 3
SEE NOTE 5
.237 ±.005
PREFERRED CONTACT SEE NOTES 1, 2, 3
.245 MAX
-B-
.011 +.007 .010
.110 MIN
.037 .035 REF
.192 MIN
-A-
SECT. A-A

NOTE ALL NOTES FOLLOW THIS FIGURE

NOTE THE 6 POSITION PLUG/JACK CONTACT SPECIFICATION IS IDENTICAL

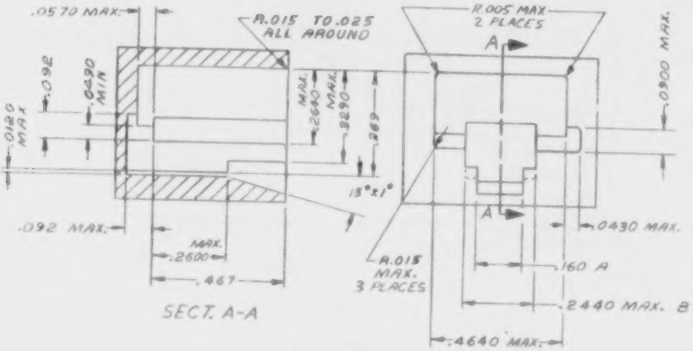
Figure 68.500(i)(3)(i)–8 Position Keyed Plug, Plug/Jack Contact Specification

NOTES: (Notes apply to Figure 68.500(i)(3)(i))

1. The plug/jack contact interface should be hard gold to hard gold and should have a minimum gold thickness of 0.000050 inch on each side of the interface. The minimum contact force should be 100 grams. Any non-gold contact material must be compatible with gold and provide equivalent contact performance. A smooth, burr-free surface is required at the interface in the area shown.
2. The jack contact design is based upon .018 inch spring temper phospher bronze round wire in the modular plug blade and jack contact interface. Other contact configurations that provide contact performance equal to or better than the preferred configurations and do not cause damage to the plug or jack are permitted. The preferred jack contact width is .0177/.0195 inches. Deviations from the preferred jack contact width are permitted for round contacts as well as noncircular cross sectional shapes but they must be compatible with existing plug configurations. The requirements of Note 1 apply to all possible contact areas.
3. The configuration of the plug contact and the front plastic of the plug should prevent jack contacts from being damaged during plug insertion into jacks.
4. This is the suggested nominal contact angle between plugs and jacks with the

plug latched into the jack. If this angle becomes greater than 24 degrees loss of electrical contact may occur between the plug and jack. If the nominal contact angle becomes less than 13 degrees, interference between jack contacts and the internal plastic in the plug may occur.

5. To avoid loss of electrical contact, the preferred dimension from datum B to the highest point "x" should be .200 inch max. A dimension greater than .211 inch may result in loss of electrical contact between plugs and jacks. The .211 inch max. shall be considered an absolute maximum.
6. The 24 degree min. angle applies only to plugs with front plastic walls higher than .190 inches.

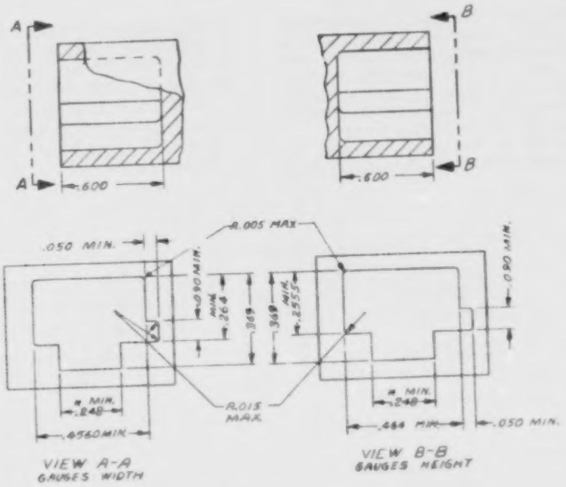

.0570 MAX.
R.015 TO .025 ALL AROUND
R.005 MAX 2 PLACES
A
.0900 MAX.
.092
.0490 MIN
.0120 MAX
MAX. .2640
MAX. .3290
.369
15°±1°
.092 MAX.
MAX. .2600
.467
SECT. A-A
R.015 MAX. 3 PLACES
.0430 MAX.
.160 A
.2440 MAX. B
.4640 MAX.

GO GAUGE

Notes:

1. The plug shall be capable of insertion and latching into the gauge with 5 pounds or less insertion force. Plug latching bar shall be depressed so as not to interfere with the plug entry. After insertion and latching, plug shall be capable of removal, with the latch depressed, with a removal force of 10 pounds or less applied at an advantageous angle.
2. Dimensions given to three decimal places shall be within ± .002 inch.
3. Dimensions (A) and (B) to be centrally located with respect to .4640 max. jack opening width within ± .001 inch.
4. Do not scale drawings for external configuration.

Figure 68.500(i)(4)(i)–8 Position Keyed Plug Maximum Plug Size


A
A
.600
B
B
.600
.050 MIN.
R.005 MAX
.090 MIN.
MIN. .264
.369
.369
MIN. .2555
.090 MIN.
* MIN. .248
.4560 MIN.
R.015 MAX
* MIN. .248
.464 MIN.
.050 MIN.
VIEW A-A
GAUGES WIDTH
VIEW B-B
GAUGES HEIGHT

NO – GO GAUGE

1. The plug shall not be capable of entering the gauge more than .070 inch beyond datum – A – (see Figure 68.500(i)(2)(i)) with 2.0 pounds insertion force.

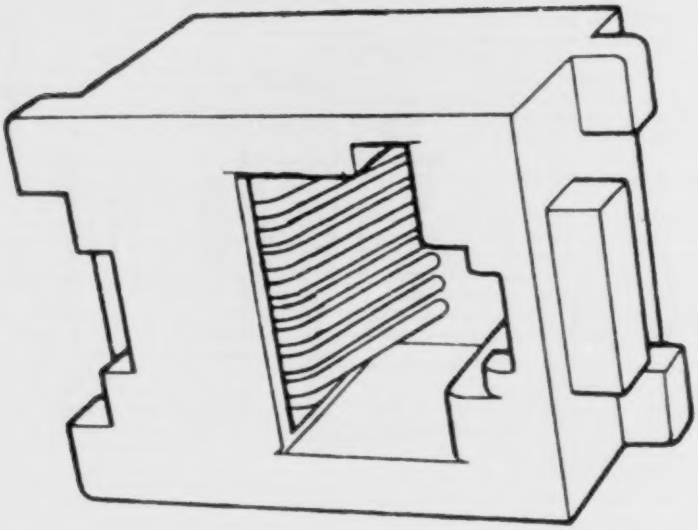
2. Non-toleranced dimensions given to three places shall be within ± .002 inch.

3. * .248 dimension to be centrally located with respect to .464 minimum and .4560 minimum within ± .002 inch.

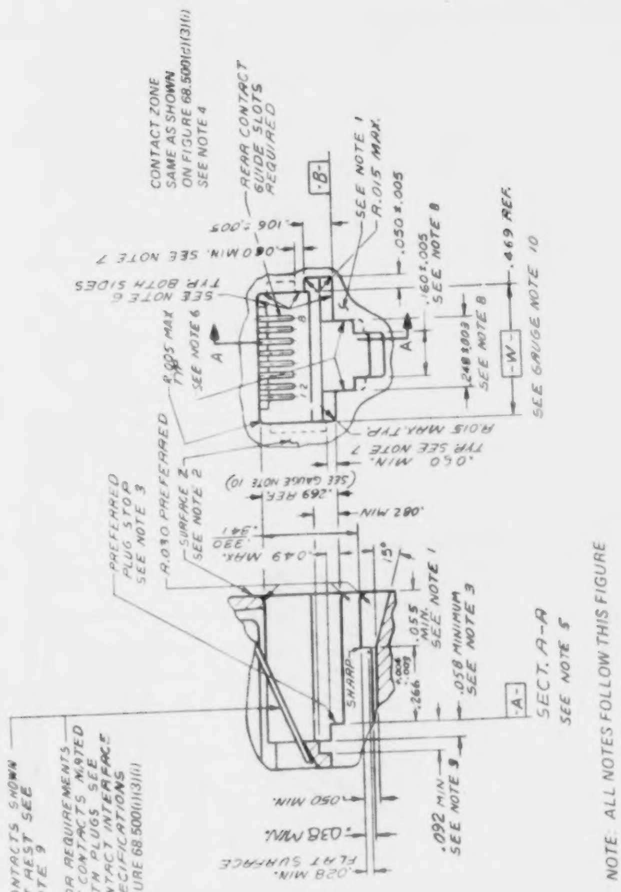
Figure 68.500(i)(5)i–8 Position Keyed Plug
Minimum Plug Size

(j) *Miniature 8-position keyed jack:*

Figure 68.500(j)(1)--View



Note: This jack is depicted with all 8 contacts. It may be fabricated with less than 8 contacts.


CONTACT ZONE SAME AS SHOWN ON FIGURE 68.500(i)(3)(i) SEE NOTE 4
REAR CONTACT GUIDE SLOTS REQUIRED
-B-
SEE NOTE 1
R.015 MAX.
.050 ±.005
.106 ±.005
.040 MIN. SEE NOTE 7
SEE NOTE 6 TYP BOTH SIDES
R.005 MAX TYP. SEE NOTE 6
A
A
1
8
12
.160±.005 SEE NOTE 8
.248±.003 SEE NOTE 8
-W-
.469 REF.
SEE GAUGE NOTE 10
R.015 MAX. TYP.
.040 MIN. TYP SEE NOTE 7
.269 REF (SEE GAUGE NOTE 10)
.082 MIN
R.030 PREFERRED
SURFACE Z SEE NOTE 2
PREFERRED PLUG STOP SEE NOTE 3
.049 MAX.
.330
.341
15°
.055 MIN. SEE NOTE 1
.058 MINIMUM SEE NOTE 3
.266 +.004 -.003
SHARP
-A-
SECT. A-A SEE NOTE 5
.092 MIN SEE NOTE 9
.050 MIN.
.038 MIN.
.028 MIN. FLAT SURFACE
• CONTACTS SHOWN AT REST SEE NOTE 9
• FOR REQUIREMENTS OF CONTACTS MATED WITH PLUGS SEE CONTACT INTERFACE SPECIFICATIONS FIGURE 68.500(i)(3)(i)

NOTE: ALL NOTES FOLLOW THIS FIGURE

Figure 68.500(j)(2)(i)–8 Position Keyed Jack Mechanical Specification

NOTES: (Notes apply to Figure 68.500(j)(2)(i))

1. Front surface projections beyond the .055 minimum shall be configured so as not to prevent finger access to the plug release catch (Reference Figure 68.500(i)(2)(ii) and 8-Position Plug, Mechanical Specifications). A catch length greater than .055 is beneficial in providing for greater breakout strength and improved guidance when interfacing with a 6-position plug.
2. Surface Z need not be planar or coincident with the surface under the plug release catch. Surface Z projections must not prevent insertion, latching, and unlatching of the standard 8-position plug on Figure 68.500(i)(2)(i).
3. The preferred plug stop surface is indicated. If some other internal feature is used as a plug stop, it must be located so that the axial movement of a latched plug is no greater than 0.045-inch.
4. To prevent mistargeting between the plug and jack contacts, the jack contacts should be completely contained in their individual contact zones, (.028 inch max wide), where they extend into the jack openings. There is no location require-

ment for jack contacts below these zones (.230 inch max), but adequate contact separation must be maintained to prevent electrical breakdown. These shaded contact zones should be centrally located, (include all locating tolerances), about the jack opening width .469 Ref, (Datum -W-). Contacts located outside of these zones may result in mistargeting between the jack and plug contacts.

5. All inside and outside corners in the plug cavity to be .015 inch radius max unless specified.
6. These surfaces shall have 0°15′ maximum draft.
7. Relief inside the dotted areas on both sides of the jack opening is permitted. The .269 Ref and .469 Ref Gauge Requirements must be maintained in each of the corners indicated, (Ref. 0.060 inch min), to assure proper plug/jack interface guidance.
8. 0.160- and 0.248-inch dimensions to be centrally located to jack opening width -W- within ± .005-inch.
9. The contact lengths shall be such that the contacts will always be contained inside the guide slots and the contacts must move freely in the slots so as not to restrain plug insertion or damage jack contacts.
10. Gauge Requirements:

GO: The jack shall be capable of accepting a 0.4640-inch x 0.2640-inch gauge and the gauge shall be capable of being removed with a maximum force of 2.0 pounds.

NO GO: The jack shall not accept either a 0.4740-inch x 0.254-inch horizontal width of opening gauge or a 0.2740-inch x 0.456-inch vertical height of opening gauge. However, if the gauge is accepted, the force necessary to remove the gauge shall be minimum of 3.0 ounces.

Removal forces do not include forces contributed by contact springs nor shall external forces be applied to the jack that will affect these removal forces.

Gauges shall have a 0.030-inch radius on the nose and a 0.015-inch radius on all edges with clearance provided for contacts.

[41 FR 28699, July 12, 1976, as amended at 45 FR 52151, Aug. 6, 1980; 50 FR 27251, July 2, 1985]

§ 68.502 Configurations.

This section describes connection configurations which telephone subscribers may request their local telephone company to provide, in accordance with § 68.104 of these rules. In the absence of a request for a specific jack configuration, the telephone company shall install the standard jack depicted in § 68.502(a)(1). The listed configurations are for connections to be made by the telephone company to the standard jacks specified in this subpart. Plugs on registered terminal equipment and registered protective circuitry shall be wired so as to be compatible with the jack connections specified herein. The following nomenclature is used in this section:

T/R—Connections to the "tip" and "ring" wires of a telephone communications line, trunk, channel or facility.

A/A1—Connections to the "hold" functions of key telephone systems which use such connections. In such systems, the "A" lead corresponding to a particular telephone line is shorted to the "A1" lead when that line is placed in the "off-hook" state to permit proper operation of the "hold" functions associated with that line.

MB/MB1—Connections to leads implementing a make-busy feature where required. The MB lead is shorted by the terminal equipment to the MB1 lead when the corresponding telephone line is to be placed in an unavailable, or artificially busy condition.

Bridged—A bridged connection is a parallel connection.

Data—Data configurations are those which use jacks incorporating components to limit signal power levels of data equipment. Data equipment with a maximum signal power output of −9 dBm may be connected to other than data configurations. *See* § 68.308 of these rules.

A "USOC" (Universal Service Ordering Code) is specified for each configuration. These USOCs are generic telephone company service ordering codes. If a telephone subscriber wishes to have the telephone company install a standard jack other than the one depicted in § 68.502(a)(1) below, he shall specify the appropriate USOC when requesting the installations.

(a) *Bridged configurations other than data; single line connections*—(1) *Bridged T/R; 6-position jack.*

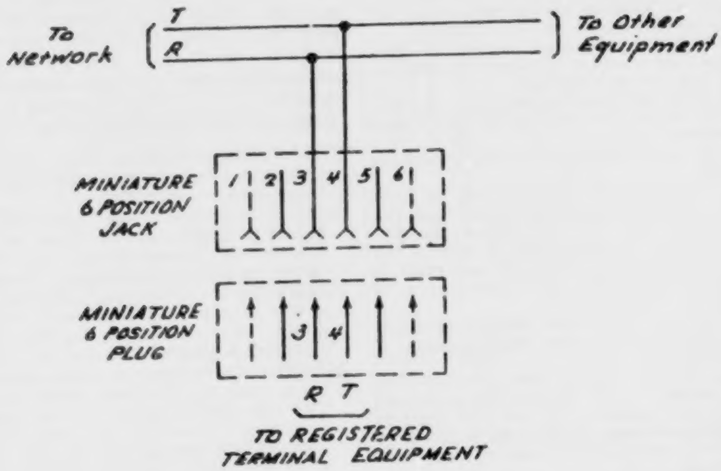
ELECTRICAL NETWORK CONNECTION: Single line bridged tip and ring only—Conductors 1, 2, 5 and 6 are reserved for telephone company use.

UNIVERSAL SERVICE ORDER CODE (USOC): RJ11W for Portable Wall-Mounted equipment—RJ11C all others.

MECHANICAL ARRANGEMENT: Miniature 6 position jack.

Typical Usage: Single line non-key telephone, ancillary devices, PBXs and key telephone systems.

Wiring Diagram:



To Network
T
R
To Other Equipment
MINIATURE 6 POSITION JACK
1
2
3
4
5
6
MINIATURE 6 POSITION PLUG
3
4
R T
TO REGISTERED TERMINAL EQUIPMENT

(2) *Bridged T/R; 3-position weatherproof jack.*

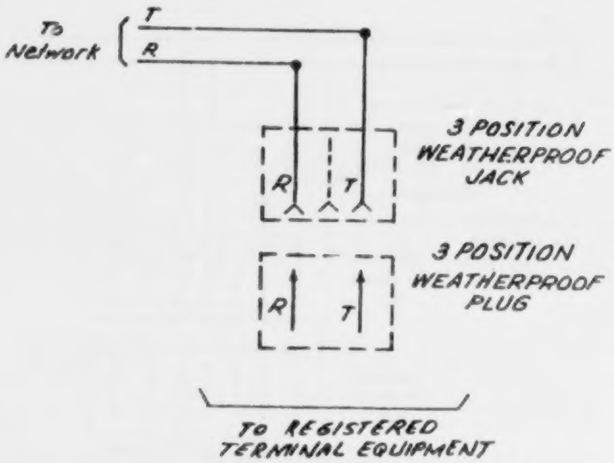
Electrical Network Connection: Single line bridged tip and ring.

Universal Service Order Code: RJ15C.

Mechanical Arrangement: 3 position weatherproof jack.

Typical Usage: Providing telephone service to boats in marinas.

Wiring Diagram:


To Network
T
R
R
T
3 POSITION WEATHERPROOF JACK
R
T
3 POSITION WEATHERPROOF PLUG
TO REGISTERED TERMINAL EQUIPMENT

(3) *Bridged T/R with make-busy ar-*
ngement; 6-position jack.

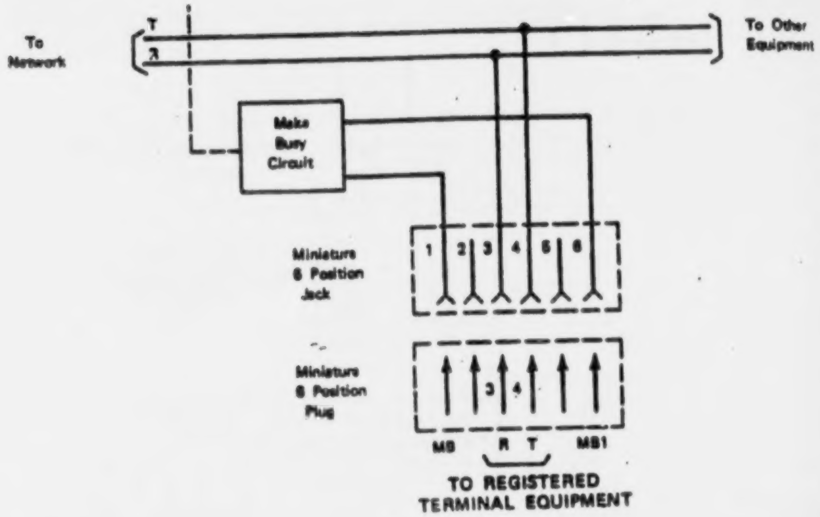
ECTRICAL NETWORK CONNECTION: Single-
ine bridged tip and ring only with MB/
MB1 leads. Conductors 2 and 5 are re-
erved for telephone company use.

IVERSAL SERVICE ORDER CODE (USOC):
RJ18W for portable wall-mounted equip-
nent—RJ18C for all others.

MECHANICAL ARRANGEMENT: Miniature 6-position jack.

TYPICAL USAGE: Single-line non-key telephone and ancillary devices connected directly to central office lines, where a make-busy requirement is needed.

WIRING DIAGRAM:


T
R
To Network
To Other Equipment
Make Busy Circuit
Miniature 6 Position Jack
1
2
3
4
5
6
Miniature 6 Position Plug
3
4
MB
R
T
MB1
TO REGISTERED TERMINAL EQUIPMENT

(b) *Series configurations*—(1) *Series T/R ahead of all station equipment; 8-position series jack.*

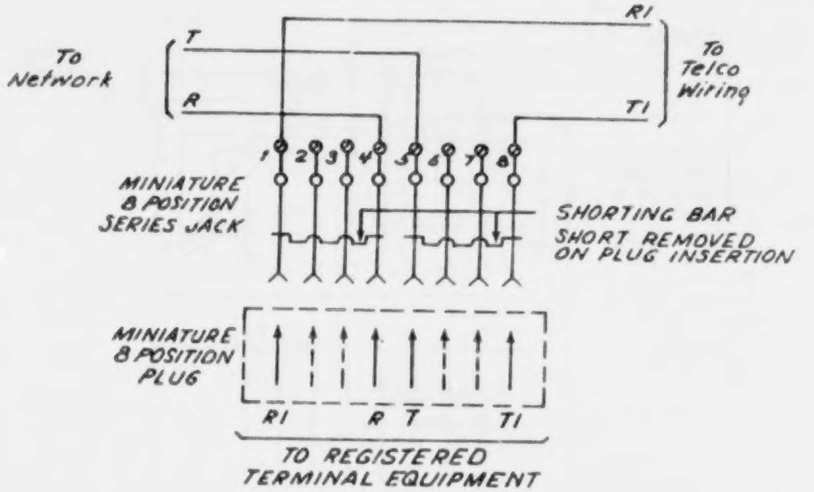
ELECTRICAL NETWORK CONNECTION: Series tip and ring ahead of all station equipment. Conductors 2, 3, 6 and 7 are reserved for telephone company use.

UNIVERSAL SERVICE ORDER CODE (USOC): RJ31X.

MECHANICAL ARRANGEMENT: Miniature 8 position series jack.

TYPICAL USAGE: Alarm reporting devices.

WIRING DIAGRAM:


R1
To Network
T
R
To Telco Wiring
T1
1
2
3
4
5
6
7
8
MINIATURE 8 POSITION SERIES JACK
SHORTING BAR
SHORT REMOVED ON PLUG INSERTION
MINIATURE 8 POSITION PLUG
R1
R
T
T1
TO REGISTERED TERMINAL EQUIPMENT

(2) [Reserved][1]

(3) *Series single-line tip and ring ahead of all station equipment; 8-position series jack equipped with continuity circuit.*

ELECTRICAL NETWORK CONNECTION: Series tip and ring ahead of all station equipment with continuity circuit. Conductors 3 and 6 are reserved for telephone company use.

UNIVERSAL SERVICE ORDER CODE (USOC): RJ38X.

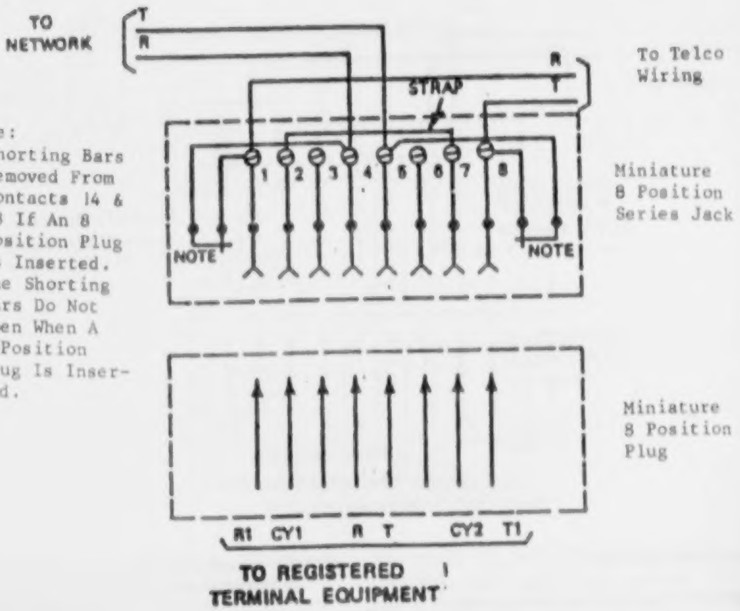
MECHANICAL ARRANGEMENT: Miniature 8-position series jack.

TYPICAL USAGE: Alarm reporting devices.

WIRING DIAGRAM:

---

[1] EDITORIAL NOTE: At 50 FR 47549, Nov. 19, 1985, paragraph "(b)(6)" was redesignated as "(b)(2)". However, paragraph (b)(6) was deleted at 44 FR 7959, Feb. 8, 1979.


TO NETWORK
T
R
R
T
To Telco Wiring
STRAP
1
2
3
4
5
6
7
8
NOTE
NOTE
Miniature 8 Position Series Jack
Miniature 8 Position Plug
R1
CY1
R
T
CY2
T1
TO REGISTERED TERMINAL EQUIPMENT

Note: Shorting Bars Removed From Contacts 14 & 58 If An 8 Position Plug Is Inserted. The Shorting Bars Do Not Open When A 6 Position Plug Is Inserted.

(c) *Two-line configurations*—(1) *Bridged T/R; 6-position jack.*

Electrical Network Connection: Two line bridged tip and ring.

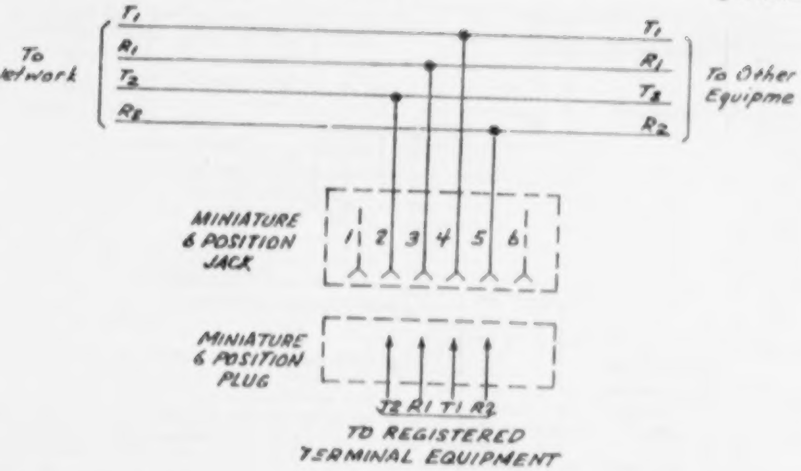
Universal Service Order Code (USOC): RJ14W for Portable Wall-Mounted equipment—RJ14C for all others.

Mechanical Arrangement: Miniature 6-position jack.

Typical Usage: Two line non-key telephone sets and ancillary devices.

Wiring Diagram:

Note: The telephone company will wire the lines to the jack in the sequence designated by the customer.


T1
R1
T2
R2
To
etwork
T1
R1
T2
R2
To Other
Equipme
MINIATURE
6 POSITION
JACK
1
2
3
4
5
6
MINIATURE
6 POSITION
PLUG
T2 R1 T1 R2
TO REGISTERED
TERMINAL EQUIPMENT

d) *Multiple-line bridged configura-*
ns—(1) Up to 25 bridged T/R; 50-po-
ion jack.

CTRICAL NETWORK CONNECTION: Multiple
ne bridged tip and ring.

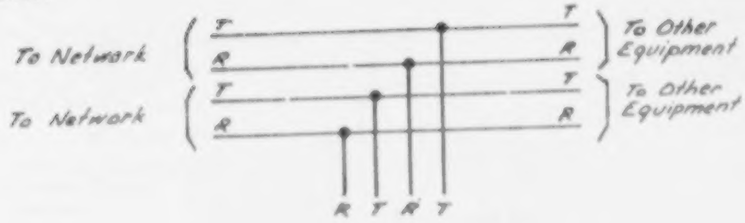
VERSAL SERVICE ORDER CODE (USOC):
J21X.

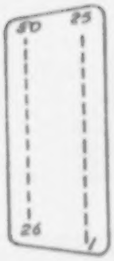
CHANICAL ARRANGEMENT: 50-position mini-
ure ribbon jack.

TYPICAL USAGE: Traffic data recording systems, PBXs and key telephone systems.

WIRING DIAGRAM:

NOTE: At the time the jack is ordered the customer must specify the sequence in which the central office lines are to be connected to the jack. The telephone company will consecutively wire these lines to the jack as shown below without skipping any positions.


To Network
To Network
T
R
T
R
T
R
T
R
To Other Equipment
To Other Equipment
R T R T


50 POSITION MINIATURE RIBBON JACK
50
25
26
1

	POSITION	
LINE	TIP	RING
1	26	1
2	27	2
3	28	3
⋮	⋮	⋮
25	50	25

(2) *Bridged multiple-line 50-position T/R with make-busy arrangement.*

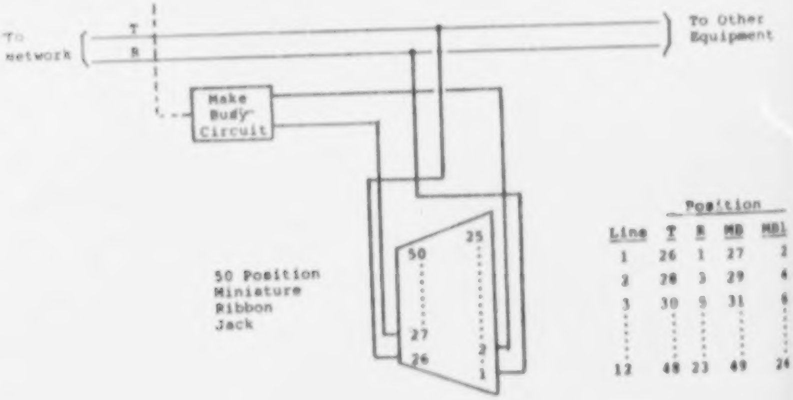
Electrical Network Connection: Multiple line bridge tip and ring with MB/MB1 leads for make-busy indication.

Universal Service Ordering Code (USOC): RJ2MB.

Mechanical Arrangement: 50-position miniature ribbon jack.

Typical Usage: 2-12 non-key telephone and ancillary devices connected directly to central office lines where a make-busy requirement is needed.

Wiring Diagram:


To network
T
R
To Other Equipment
Make Busy Circuit
50 Position Miniature Ribbon Jack
50
25
27
26
2
1

	Position			
Line	T	R	MB	MB1
1	26	1	27	2
2	28	3	29	4
3	30	5	31	6
⋮	⋮	⋮	⋮	⋮
12	48	23	49	24

(e) *Data configurations.* There are two categories of data configurations, which may be implemented either on an 8 position keyed data jack, or on a 50 position unkeyed ribbon jack. These are: a "universal" configuration, which incorporates both a programming resistor (for programmed data signal power limiting) and an attenuator (for "fixed-loss loop" data signal power limiting), and a "programmed" configuration, which incorporates a programming resistor, but not an attenuator. The programming resistor is selected as follows:

The proper programming resistor (Rp) shall be selected by the telephone company at the time of installation based upon the loop loss of the telephone line to arrive at the optimum signal power level of −12 dBm at the central office. The table shown below gives the required signal power output for the programmed data equipment for each value of the programming resistor.

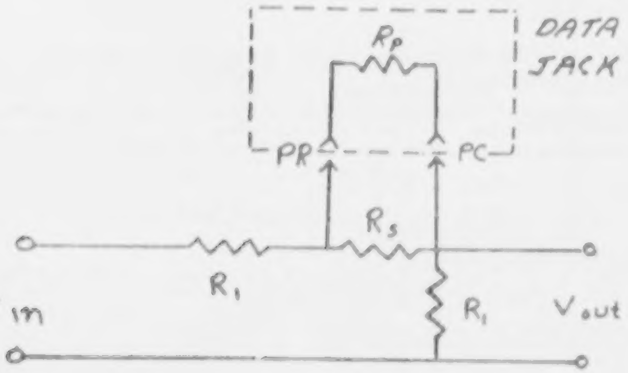
Programming Resistor (Rp)*	Programmed Data Equipment Signal Power Output**
short	0 dbm
150 ohms	−1 dbm
336 ohms	−2 dbm
569 ohms	−3 dbm
886 ohms	−4 dbm
1,240 ohms	−5 dbm
1,780 ohms	−6 dbm
2,520 ohms	−7 dbm
3,610 ohms	−8 dbm
5,490 ohms	−9 dbm
9,200 ohms	−10 dbm
19,800 ohms	−11 dbm
open	−12 dbm

*Tolerance of Rp is ± 1%.

**Tolerance of programmed data equipment signal power output is ± 1 dB.

The voltages impressed on resistor Rp by the data equipment shall be such as not to cause power dissipation in Rp in excess of 50 milliwatts.

The circuit shown below was used in calculating values of the programming resistors and may be useful in implementing the automatic control of signal power output in the programmed data equipment.



R1 is the source impedance for the input signal Vin, and also the terminating impedance of the load. R_s is a series resistance, on which the computation of the programming resistor Rp is based. The table of values of Rp is derived for R_1=600 ohms; R_s=3600 ohms.

In "universal" configurations, the proper attenuator shall be installed or adjusted by the telephone company at the time of installation, based upon the loop loss of the telephone line, to arrive at the optimum power level of −12 dBm at the central office, with a data device maximum signal power level of −4 dBm.

The switch which is incorporated in "universal" configurations shall be operated to the position appropriate for the type of data equipment which is connected.

(1) *Bridged T/R; 8-position keyed data jack—Universal.*

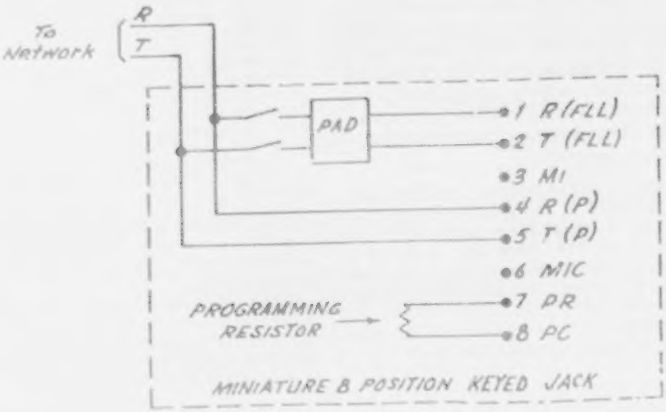
Electrical Network Connection: Single line bridged tip and ring.

Universal Service Order Code: RJ41S.

Mechanical Arrangement: Single miniature 8-position keyed jack for surface mounting.

Typical Usage: Universal jack for fixed loss loop (FLL) or programmed (P) types of data equipment.

Wiring Diagram:


To Network
R
T
PAD
1 R(FLL)
2 T (FLL)
3 MI
4 R (P)
5 T (P)
6 MIC
7 PR
8 PC
PROGRAMMING RESISTOR
MINIATURE 8 POSITION KEYED JACK

(2) *Bridged T/R; 8-position keyed data jack—Programmed.*

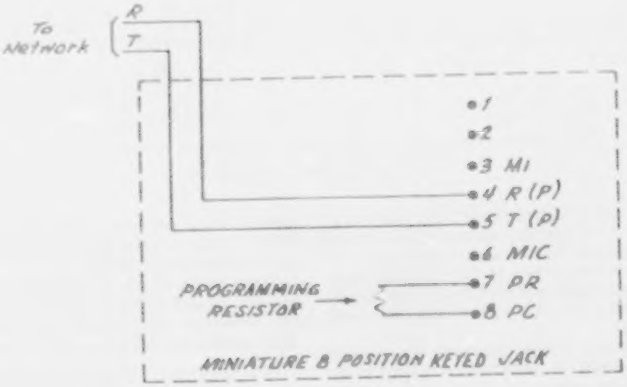
Electrical Network Connection: Single line bridged tip and ring.

Universal Service Order Code: RJ45S.

Mechanical Arrangement: Single miniature 8-position keyed jack for surface mounting.

Typical Usage: Programmed data equipment.

Wiring Diagram:


To Network
R
T
1
2
3 MI
4 R (P)
5 T (P)
6 MIC
7 PR
8 PC
PROGRAMMING RESISTOR
MINIATURE 8 POSITION KEYED JACK

(3) *Multiple bridged T/R; 8-position keyed data jack—Universal.*

Electrical Network Connection: Multiple line bridged tip and ring.

Universal Service Order Code: RJ41M.

Mechanical Arrangement: Up to 8 miniature 8-position keyed jacks in multiple mounting arrangement.

Typical Usage: Multiple installations of fixed loss loop or programmed types of data equipment.

Wiring Diagram: Multiple arrangement of § 68.502(e)(1).

(4) *Multiple bridged T/R; 8-position keyed data jack—Programmed.*

Electrical Network Connection: Multiple line bridged tip and ring.

Universal Service Order Code: RJ45M.

Mechanical Arrangement: Up to 8 miniature 8-position keyed jacks in multiple mounting arrangement.

Typical Usage: Multiple installations of programmed types of data equipment.

Wiring Diagram: Multiple arrangement of § 68.502(e)(2).

(5) *Bridged T/R; 50-position ribbon jack—Universal.*

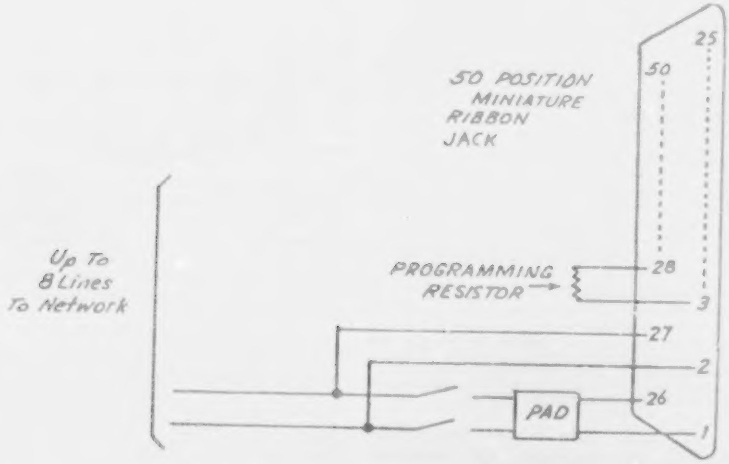
Electrical Network Connection: Single or multiple line bridged tip and ring.

Universal Service Order Code: RJ26X.

Mechanical Arrangement: 50-position miniature ribbon jack.

Typical Usage: Universal jack for fixed loss loop (FLL) or programmed (P) types of data equipment.

Wiring Diagram:



Line	Position					
	FLL		P		PR	PC
	T	R	T	R		
1	26	1	27	2	28	3
2	29	4	30	5	31	6
3	32	7	33	8	34	9
4	35	10	36	11	37	12
5	38	13	39	14	40	15
6	41	16	42	17	43	18
7	44	19	45	20	46	21
8	47	22	48	23	49	24

Note: At the time the jack is ordered, the customer shall specify the number of and sequence of central office lines to be connected to the jack. The telephone company will consecutively wire these lines to the jack in accordance with the table above, without skipping any positions.

(6) *Bridged T/R; 50-position ribbon jack—Programmed.*

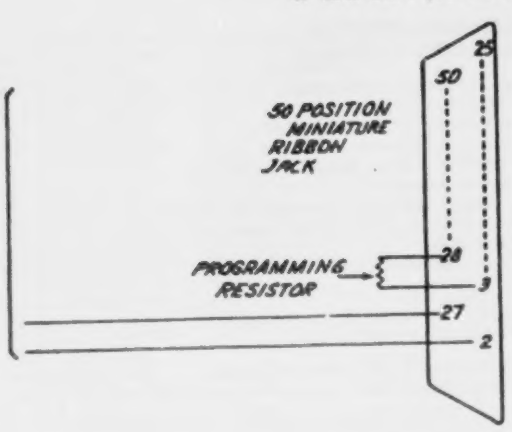
Electrical Network Connection: Single or multiple line bridged tip and ring.

Universal Service Order Code: RJ27X.

Mechanical Arrangement: 50-position miniature ribbon jack.

Typical Usage: Programmed jack for programmed (P) types of data equipment.

Wiring Diagram:



Line	Position			
	P		PR	PC
	T	R		
1	27	2	28	3
2	30	5	31	6
3	33	8	34	9
4	36	11	37	12
5	39	14	40	15
6	42	17	43	18
7	45	20	46	21
8	48	23	49	24

NOTE: At the time the jack is ordered, the customer shall specify the number of and sequence of central office lines to be connected to the jack. The telephone company will consecutively wire these lines to the jack in accordance with the table above, without skipping any positions.

(f) *Multiple line series configurations*—(1) *Up to eight (8) position jacks*. Multiple series jacks in this category consist of multiple arrangements of configurations specified in paragraph (b) of this section, in a multiple mounting arrangement. Such multiple arrangements may be ordered as a unit under the following:

UNIVERSAL SERVICE ORDER CODE: RJ31M: Multiple series T/R ahead of all station equipment (reference § 68.502(b)(1)).

[41 FR 28699, July 12, 1976, as amended at 44 FR 7959, Feb. 8, 1979; 46 FR 38516, July 28, 1981; 50 FR 47549, Nov. 19, 1985; 50 FR 49930, Dec. 6, 1985; 51 FR 951, Jan. 9, 1986]

§ 68.504 Universal patent license agreement.

UNIVERSAL PATENT LICENSE AGREEMENT

Effective as of ——— WESTERN ELECTRIC COMPANY, INCORPORATED, a New York corporation ("WESTERN"), having an office at 222 Broadway, New York, New York 10038, and ——————— ("the CORPORATION"), having an office at ——————— agree as follows:

ARTICLE I—DEFINITIONS

1.01 Terms in this agreement (other than technical terms, names of parties, companies and Article headings) which are in capital letters shall have the meanings specified in the General Definitions Appendix, and technical terms in this agreement which are in capital letters shall have the meanings specified in the Technical Definitions Appendix.

ARTICLE II—GRANTS OF LICENSES AND IMMUNITIES

2.01 WESTERN grants to the CORPORATION under WESTERN'S PATENTS nonexclusive licenses for products of the following kinds:

____

____

____

2.02 All licenses herein granted shal commence on the effective date hereof and except as provided in Article V and notwith standing the expiration of the FIVE YEAR PERIOD, shall continue for the entire terms that the patents under which they are granted are in force or for that part of such terms for which WESTERN has the right to grant such licenses.

2.03 WESTERN grants under all patents issued in countries other than the United States and owned or controlled by AMERICAN TELEPHONE AND TELEGRAPH COMPANY, a New York corporation ("AT&T"), WESTERN or their SUBSIDIARIES, royalty-free immunity relating to the sale, lease or use in, or the importation into, such other countries of LICENSED PRODUCTS, and maintenance parts therefor, manufactured under the licenses granted under WESTERN'S PATENTS: provided, however, that nothing in this section 2.03 shall relieve the CORPORATION of its obligation to pay any royalty which may be predicated upon such manufacture of any such LICENSED PRODUCT or part, whether or not the first sale, lease or use thereof occurs outside of the United States.

2.04 The licenses granted for LICENSED PRODUCTS are licenses to make, have made, use, lease and sell such LICENSED PRODUCTS. Such licenses include the rights to maintain LICENSED PRODUCTS, to practice methods and processes involved in the use of LICENSED PRODUCTS and to make and have made, to use and have used, and to maintain machines, tools, materials and other instrumentalities, and to use and have used methods and processes, insofar as such machines, tools, materials, other instrumentalities, methods and processes are involved in or incidental to the development, manufacture, installation, testing or repair of LICENSED PRODUCTS.

2.05 The grant of each license to the CORPORATION includes the right to grant sublicenses within the scope of such license to its SUBSIDIARIES. Such right may be exercised at any time prior to termination or cancellation of the corresponding license under the provisions of Article V. Any such sublicenses granted to any present SUBSIDIARY may be made effective, retroactively, as of the effective date hereof, and any such sublicenses granted to any future SUBSIDIARY may be made effective, retroactively, as of the date such company became a SUBSIDIARY.

2.06 It is recognized that WESTERN or any of its ASSOCIATED COMPANIES may have entered into or may hereafter enter into a contract with a national government to do development work financed by such government and may be required under such contract (either unconditionally or by reason of any action or inaction thereunder) to assign to such government its rights to grant, or may now or hereafter be restrained by such government from granting, licenses or immunities to others than its ASSOCIATED COMPANIES under patents for inventions arising out of such work or covered by such contract. The resulting inability of WESTERN to grant the licenses or immunities purported to be granted by it under patents for such inventions shall not be considered to be a breach of this agreement, if:

(i) Such contract is for the benefit of such government's military or national defense establishment or the Energy Research and Development Administration of the United States Government or the National Aeronautics and Space Administration of the United States Government, or

(ii) In cases other than (i), such contract is with the United States Government or any agency of and within such Government, and any such requirement or restraint is pursuant to a statute or officially promulgated regulation of such Government or agency applicable to such contract;

provided, however, that

(iii) WESTERN (or, if an ASSOCIATED COMPANY thereof has entered into such contract, such ASSOCIATED COMPANY) shall exert its best efforts to enable WESTERN to grant the licenses or immunities herein purported to be granted by it under such patents; and

(iv) Within ninety (90) days after the filing of any application for any such patent, WESTERN shall give written notice to the other party identifying such application by country, number and date of filing.

For the purposes of this section 2.06, AT&T, WESTERN and their ASSOCIATED COMPANIES shall all be deemed to be ASSOCIATED COMPANIES of one another.

ARTICLE III—ROYALTY

3.01 The CORPORATION shall pay to WESTERN royalty, at the applicable rate hereinafter specified, on each LICENSED PRODUCT, and maintenance part therefor, which is a ROYALTY-BEARING PRODUCT, and

(i) Which is sold, leased or put into use by the CORPORATION or any of its SUBSIDIARIES while any license acquired hereunder by the CORPORATION with respect to such ROYALTY-BEARING PRODUCT shall remain in force, or

(ii) Which is made by or for the CORPORATION or any of its SUBSIDIARIES while any such license shall remain in force and is thereafter sold, leased or put into use by the CORPORATION or any of its SUBSIDIARIES, whether or not such SUBSIDIARIES are sublicensed pursuant to section 2.05, such royalty rate to be applied, except as provided in section 3.05, to the NET SELLING PRICE of such ROYALTY-BEARING PRODUCT if sold for a separate consideration payable wholly in money and in all other cases to the FAIR MARKET VALUE thereof. The royalty rates applicable to LICENSED PRODUCTS of the kinds specified in section 2.01, and maintenance parts therefor, are as follows:

(iii)

3.02 If a LICENSED PRODUCT is a ROYALTY-BEARING PRODUCT solely on account of one or a limited number of WESTERN'S PATENTS, the CORPORATION may elect to reduce the amount of royalty otherwise payable hereunder on said LICENSED PRODUCT by a royalty reduction percentage, and as of an effective date, established by WESTERN. Upon written request from the CORPORATION identifying the LICENSED PRODUCT and each relevant patent, WESTERN will inform the CORPORATION of the royalty reduction percentage applicable in respect of said LICENSED PRODUCT and patent or patents and the effective date thereof.

3.03 A LICENSED PRODUCT, or maintenance part therefor, which is made and sold by the CORPORATION or any of its SUBSIDIARIES and which is a ROYALTY-BEARING PRODUCT hereunder on account of one or more of WESTERN'S PATENTS, may be treated by the CORPORATION as not licensed and not subject to royalty hereunder if all of the following conditions are met:

(i) The purchaser is licensed under the same patent or patents, pursuant to another agreement, to have said LICENSED PRODUCT or part made;

(ii) The purchaser expressly advises the CORPORATION or its SUBSIDIARY, whichever effects the making and sale, in writing at or prior to (but in no event later than) the time of such sale that, in purchasing said LICENSED PRODUCT or part, it is exercising its own license or licenses under said patent or patents to have said LICENSED PRODUCT or part made; and

(iii) The CORPORATION retains such written advice and makes it available to WESTERN at the latter's request.

3.04 Only one royalty shall be payable hereunder in respect of any ROYALTY-BEARING PRODUCT. Royalty shall accrue hereunder on any LICENSED PRODUCT, or maintenance part therefor, upon its first becoming a ROYALTY-BEARING PRODUCT, and the royalty thereon shall become payable in accordance with the provisions of this Article III upon the first sale, lease or putting into use thereof.

3.05 If any sale of a ROYALTY-BEARING PRODUCT shall be made by the CORPORATION on a SUBSIDIARY thereof to:

(i) Any company of which the CORPORATION is a SUBSIDIARY at the time of such sale, or

(ii) The CORPORATION or a SUBSIDIARY thereof or any other SUBSIDIARY of a company of which the CORPORATION is a SUBSIDIARY at the time of such sale.

royalty payable hereunder shall be computed on the FAIR MARKET VALUE of such ROYALTY-BEARING PRODUCT.

ARTICLE IV—REPORTS AND PAYMENTS

4.01 The CORPORATION shall keep full, clear and accurate records with respect to ROYALTY-BEARING PRODUCTS. WESTERN shall have the right through its accredited auditing representatives to make an examination and audit, during normal business hours, not more frequently than annually, of all such records and such other records and accounts as may under recognized accounting practices contain information bearing upon the amount of royalty payable to it under this agreement. Prompt adjustment shall be made by the proper party to compensate for any errors or omissions disclosed by such examination or audit. Neither such right to examine and audit nor the right to receive such adjustment shall be affected by any statement to the contrary, appearing on checks or otherwise, unless such statement appears in a letter, signed by the party having such right and delivered to the other party, expressly waiving such right.[1]

4.02 (a) Within sixty (60) days after the end of each semiannual period ending on June 30th or December 31st, commencing with the semiannial period during which this agreement first becomes effective, the CORPORATION shall furnish to WESTERN a statement, in form acceptable to WESTERN, certified by a responsible official of the CORPORATION:

(i) Showing all ROYALTY-BEARING PRODUCTS, by kinds of LICENSED PRODUCTS, which were sold, leased or put into use during such semiannual period, the NET SELLING PRICES of such ROYALTY-BEARING PRODUCTS or (where royalty is based on FAIR MARKET VALUES) the FAIR MARKET VALUES thereof and the amount of royalty payable thereon (or if no such ROYALTY-BEARING PRODUCT has been so sold, leased or put into use, showing that fact);

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[1] If licensee insists on a non-Western auditor, third line, insert, after "representatives", -or, at the election of the CORPORATION, through a firm of certified public accountants proposed by WESTERN and accepted by the CORPORATION-.

(ii) Identifying, if royalty is reduced under provisions of section 3.02, each LICENSED PRODUCT by its type and the patent or patents involved in such royalty reduction;

(iii) Showing, by purchasers and kinds of LICENSED PRODUCTS, the monetary totals of the sales, to each purchaser exercising its own "to have made" license or licenses, of LICENSED PRODUCTS and maintenance parts in transactions of the character described in section 3.03; and

(iv) Identifying all transactions of the character described in section 3.05.

(b) Within such sixty (60) days the CORPORATION shall, irrespective of its own business and accounting methods, pay to WESTERN the royalties payable for such semiannual period.

(c) Notwithstanding the provisions of section 6.03(a)(v), the CORPORATION shall furnish whatever additional information WESTERN may reasonably prescribe from time to time to enable WESTERN to ascertain which LICENSED PRODUCTS (and maintenance parts therefor) sold, leased or put into use by the CORPORATION or any of its SUBSIDIARIES are subject to the payment of royalty to WESTERN, and the amount of royalty payable thereon.

4.03 Royalty payments provided for in this agreement shall, when overdue, bear interest at an annual rate of one percent (1%) over the prime rate or successive prime rates in effect in New York City during delinquency.

4.04 Payment to WESTERN shall be made in United States dollars to WESTERN'S Treasury Organization at 222 Broadway, New York, New York 10038, or at such changed address as WESTERN shall have specified by written notice. If any royalty for any semiannual period referred to in section 4.02 is computed in other currency, conversion to United States dollars shall be at the prevailing rate for bank cable transfers on New York City as quoted for the last day of such semiannual period by leading banks dealing in the New York City foreign exchange market.

Article V—Termination, Cancellation and Surrender

5.01 (a) If the CORPORATION shall fail to fulfill one or more of its obligations under ARTICLES III or IV, WESTERN may, upon election and in addition to any other remedies that it may have, at any time terminate all licenses and rights granted to the CORPORATION hereunder, by not less than six (6) months' written notice to the CORPORATION specifying any such breach, unless within the period of such notice all breaches specified therein shall have been remedied.

(b) Termination by WESTERN of licenses and rights granted to the CORPORATION shall terminate the obligations of the CORPORATION under the provisions of Articles III and IV relating to such terminated licenses and rights, except such obligations as to ROYALTY-BEARING PRODUCTS made, sold, leased or put into use prior to such termination.

5.02 By written notice to WESTERN, the CORPORATION may cancel the licenses for any specified products granted hereunder to it under WESTERN'S PATENTS. Such cancellation shall be effective as of the date of giving said notice but shall not relieve the CORPORATION of its obligation to pay accrued royalties with respect to such specified products.

5.03 By written notice to WESTERN, specifying any of WESTERN'S PATENTS by number and date of issuance, the CORPORATION may surrender and terminate all licenses and rights granted to it under such specified patent or patents or under any specified invention or inventions thereof. Such surrender and termination shall be effective as of a date specified in said notice which shall not be more than six (6) months prior to the date of giving said notice. As of said effective date, such specified patent or patents or invention or inventions shall cease to be among, or among the inventions of, WESTERN'S PATENTS for the purposes of this agreement without affecting obligations in respect of royalties accrued prior to said effective date.

5.04 (a) Every sublicense granted by the CORPORATION shall terminate with termination or cancellation of its corresponding license.

(b) Any sublicenses granted shall terminate if and when the grantee thereof ceases to be a SUBSIDIARY of the CORPORATION. Each LICENSED PRODUCT and each maintenance part, made by or for a SUBSIDIARY of the CORPORATION, and on which royalty has accrued but which remains not sold, leased or put into use at the time such SUBSIDIARY ceases to be a SUBSIDIARY of the CORPORATION, shall be deemed to have been put into use by such SUBSIDIARY immediately prior to such time at the place said LICENSED PRODUCT or part is then located.

5.05 Licenses, immunities and rights with respect to each LICENSED PRODUCT, and each maintenance part, made, sold, leased or put into use prior to any termination or cancellation under the provisions of this Article V shall survive such termination or cancellation.

ARTICLE VI—MISCELLANEOUS PROVISIONS

6.01 (a) WESTERN shall, upon written request from the CORPORATION sufficiently identifying any patent by country, number and date of issuance, inform the CORPORATION as to the extent to which any such patent is subject to the licenses, immunities and rights granted to the CORPORATION.

(b) If such licenses, immunities or rights under any such patent are restricted in scope, copies of all pertinent provisions of any contract (other than provisions of a contract with a government to the extent that disclosure thereof is prohibited under the government's laws or regulations) creating such restrictions shall, upon request, be furnished to the CORPORATION.

6.02 Upon written request from the CORPORATION, WESTERN shall inform the CORPORATION which of WESTERN'S PATENTS cover inventions under which the United States Government holds a royalty-free license.

6.03 (a) Nothing contained in this agreement shall be construed as:

(i) Requiring the filing of any patent application, the securing of any patent or the maintaining of any patent in force; or

(ii) A warranty or representation by WESTERN as to the validity or scope of any patent; or

(iii) A warranty or representation that any manufacture, sale, lease, use or importation will be free from infringement of patents other than those under which and to the extent to which licenses or immunities are in force hereunder; or

(iv) An agreement to bring or prosecute actions or suits against third parties for infringement; or

(v) An obligation to furnish any manufacturing or technical information or assistance; or

(vi) Conferring any right to use, in advertising, publicity or otherwise, any name, trade name or trademark, or any contraction, abbreviation or simulation thereof; or

(vii) Conferring by implication, estoppel or otherwise upon the CORPORATION any license or other right under any patent, except the licenses and rights expressly granted to the CORPORATION; or

(viii) An obligation upon WESTERN to make any determination as to the applicability of any patent to any product of the CORPORATION or any of its SUBSIDIARIES; or

(ix) A release for any infringement prior to the effective date hereof.

(b) Neither WESTERN nor AT&T makes any representations, extends any warranties of any kind or assumes any responsibility whatever with respect to the manufacture, sale, lease, use or importation of any LICENSED PRODUCT, or part therefor, by the CORPORATION, any of its SUBSIDIARIES, or any direct or indirect supplier or vendee or other transferee of any such company, other than the licenses, immunities and rights expressly herein granted.

6.04 Neither this agreement nor any licenses or rights hereunder, in whole or in part, shall been assignable or otherwise transferable.

6.05 Any notice, request or information shall be deemed to be sufficiently given when sent by registered mail addressed to the addressee at its office above specified (and when addressed to WESTERN to the attention of its Patent Licensing Organization) and any royalty statement shall be deemed to be sufficiently furnished when sent by registered mail addressed to WESTERN'S Treasury Organization at 222 Broadway, New York, New York 10038, or at such changed address as the addressee shall have specified by written notice.

6.06 This agreement sets forth the entire agreement and understanding between the parties as to the subject matter hereof and merges all prior discussions between them, and neither of the parties shall be bound by any conditions, definitions, warranties, understandings or representations with respect to such subject matter other than as expressly provided herein, or in any prior existing written agreement between the parties, or as duly set forth on or subsequent to the effective date hereof in writing and signed by a proper and duly authorized representative of the party to be bound thereby.

6.07 The construction and performance of this agreement shall be governed by the law of the State of New York.

IN WITNESS WHEREOF, each of the parties has caused this agreement to be executed in duplicate originals by its duly authorized representatives on the respective dates entered below.

WESTERN ELECTRIC COMPANY, INCORPORATED

By ________________________

Director of Patent Licensing

____

Date

[SEAL]

Attest:

____

Secretary

By ________________________

Title ______________________

____
Date

[SEAL]
Attest:

____
Secretary

General Definitions Appendix

FAIR MARKET VALUE means the NET SELLING PRICE which the CORPORATION or any of its SUBSIDIARIES, whichever effects the sale, lease or use of the product or maintenance part, would realize from an unaffiliated buyer in an arm's length sale of an identical product or maintenance part in the same quantity and at the same time and place as such sale, lease or use.

FIVE YEAR PERIOD means the period commencing on the effective date of this agreement and having a duration of five years.

LICENSED PRODUCT means:

(i) Any product as such, or

(ii) Any product which is any specified combination, of the kinds listed in section 2.01 of this agreement. Although the term does not mean, and although licenses are not granted for any other combination, a LICENSED PRODUCT

(iii) Shall not lose its status as such on account of, and

(iv) Shall not cause an unlicensed combination to infringe WESTERN'S PATENTS solely on account of, such LICENSED PRODUCT being made, sold, leased or put into use as part of an unlicensed combination.

NET SELLING PRICE means the gross elling price of the ROYALTY-BEARING RODUCT in the form in which it is sold, hether or not assembled (and without ex- uding therefrom any components or subssemblies thereof, whatever their origin nd whether or not patent impacted), less he following items but only insofar as they ertain to the sale of such ROYALTY- EARING PRODUCT by the CORPORA- ION or any of its SUBSIDIARIES and are cluded in such gross selling price:

(i) Usual trade discounts actually allowed (other than cash discounts, advertising allowances, or fees or commissions to any employees of the CORPORATION, a SUBSIDIARY of the CORPORATION, a company of which the CORPORATION is a SUBSIDIARY at the time of the sale, or any other SUBSIDIARY of a company of which the CORPORATION is a SUBSIDIARY at the time of such sale);

(ii) Packing costs;

(iii) Import, export, excise and sales axes, and customs duties;

(iv) Costs of insurance and transportation from the place of manufacture to the customer's premises or point of installation;

(v) Costs of installation at the place of use; and

(vi) Costs of special engineering services not incident to the design or manufacture of the ROYALTY-BEARING PRODUCT.

ROYALTY-BEARING PRODUCT means any LICENSED PRODUCT, and any maintenance part therefor,

(i) Which upon manufacture includes, or the manufacture of which employs, any invention of any of WESTERN'S PATENTS in force at the time and place of such manufacture, or

(ii) Which includes when sold, leased or put into use, or the use of which employs, any invention of any of WESTERN'S PATENTS in force at the time and place of such sale, lease or use,

other than

(iii) Inventions under which the United States Government holds a royalty-free license if such LICENSED PRODUCT or part is contracted for, directly or indirectly, by the United States Government, or by another national government with funds derived through the Military Assistance Program or otherwise through the United States Government, and

(iv) Inventions employed in the manufacture of, or included in, such LICENSED PRODUCT or any original part thereof, or such maintenance part therefor or any original part thereof, by a direct or indirect supplier of the CORPORATION or any of its SUBSIDIARIES, but only to the extent such supplier has exercised its own licenses granted by WESTERN under patents for such inventions to so employ or include said inventions.

SUBSIDIARY means a company the majority of whose stock entitled to vote for election of directors is now or hereafter controlled by the parent company either directly or indirectly, but any such company shall be deemed to be a SUBSIDIARY only so long as such control exists.

WESTERN'S PATENTS means all patents issued at any time in the United States for:

(i) Inventions made prior to the termination of the FIVE YEAR PERIOD and owned or controlled at any time during the FIVE YEAR PERIOD by AT&T, WESTERN or any of their SUBSIDIARIES,

(ii) Inventions made during the FIVE YEAR PERIOD, solely or jointly with anyone, and in the course of their employment by employees of any such company who are employed to do research, development or other inventive work, and

(iii) Any other inventions made prior to the termination of the FIVE YEAR PERIOD, with respect to which and to the extent to which any such company shall at any time during the FIVE YEAR PERIOD have the right to grant the licenses and rights which are herein granted by WESTERN:

provided, however, that said patents do not include those issued for inventions made by employees of any SUBSIDIARY of WESTERN or AT&T exclusively engaged in the performance of contracts with the Energy Research and Development Administration of the United States.

TECHNICAL DEFINITIONS APPENDIX

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BILATERAL PATENT LICENSE AGREEMENT

Effective as of ——— WESTERN ELECTRIC COMPANY, INCORPORATED, a New York corporation ("WESTERN"), having an office at 222 Broadway, New York, New York 10038, and ——————— ("the CORPORATION") having an office at ——————— agree as follows:

ARTICLE I—DEFINITIONS

1.01 Terms in this agreement (other than technical terms, names of parties, companies and Article headings) which are in capital letters shall have the meanings specified in the General Definitions Appendix, and technical terms in this agreement which are in capital letters shall have the meanings specified in the Technical Definitions Appendix.

ARTICLE II—GRANTS OF LICENSES AND IMMUNITIES

2.01 WESTERN grants to the CORPORATION under WESTERN'S PATENTS nonexclusive licenses for products of the following kinds:

2.02 The CORPORATION grants to WESTERN and to AMERICAN TELEPHONE AND TELEGRAPH COMPANY, a New York corporation ("AT&T"), severally, under the CORPORATION'S PATENTS nonexclusive royalty-free licenses for products of the following kinds:

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2.03 All licenses herein granted shall commence on the effective date hereof and, except as provided in Article VI and notwithstanding the expiration of the FIVE YEAR PERIOD, shall continue for the entire terms that the patents under which they are granted are in force or for that part of such terms for which the grantor has the right to grant such licenses.

2.04 (a) WESTERN grants under all patents issued in countries other than the United States and owned or controlled by AT&T, WESTERN or their SUBSIDIARIES, royalty-free immunity relating to the sale, lease or use in, or the importation into, such other countries of LICENSED PRODUCTS, and maintenance parts therefor, manufactured under the licenses granted under WESTERN'S PATENTS; provided, however, that nothing in this section 2.04(a) shall relieve the CORPORATION of its obligation to pay any royalty which may be predicated upon such manufacture of any such LICENSED PRODUCT or part, whether or not the first sale, lease or use thereof occurs outside of the United States.

(b) The CORPORATION grants under all patents issued in countries other than the United States and owned or controlled by it or its ASSOCIATED COMPANIES, royalty-free immunity relating to the sale, lease or use in, or the importation into, such other countries of LICENSED PRODUCTS, and maintenance parts therefor, manufactured under the licenses granted under the CORPORATION'S PATENTS.

2.05 The licenses granted for LICENSED PRODUCTS are licenses to make, have made, use, lease and sell such LICENSED PRODUCTS. Such licenses include the rights to maintain LICENSED PRODUCTS, to practice methods and processes involved in the use of LICENSED PRODUCTS and to make and have made, to use and have used, and to maintain machines, tools, materials and other instrumentalities, and to use and have used methods and processes, insofar as much machines, tools, materials, other instrumentalities, methods and processes are involved in or incidental to the development, manufacture, installation, testing or repair of LICENSED PRODUCTS.

2.06 The grant of each license to the CORPORATION includes the right to grant sublicenses within the scope of such license to its SUBSIDIARIES. The grant of each license to WESTERN or AT&T includes the right to grant sublicenses within the scope of such license to its ASSOCIATED COMPANIES. Such right of either party or AT&T may be exercised at any time prior to termination or cancellation of the corresponding license under the provisions of Article VI. Any such sublicenses granted to any present SUBSIDIARY or any present ASSOCIATED COMPANY may be made effective, retroactively, as of the effective date hereof, and any such sublicenses granted to any future SUBSIDIARY or any future ASSOCIATED COMPANY may be made effective, retroactively, as of the date such company became a SUBSIDIARY or an ASSOCIATED COMPANY.

ARTICLE III—ACQUISITION AND WARRANTY

3.01 WESTERN and the CORPORATION shall each acquire rights to inventions made during the FIVE YEAR PERIOD which relate to the subject matter of licenses granted and are made, in the course of their employment, either solely or jointly with anyone, by its or its ASSOCIATED COMPANIES' employees (and in the case of WESTERN'S obligation, by employees of AT&T or its SUBSIDIARIES) who are employed to do research, development or other inventive work, such that each grantee shall by virtue of this agreement, receive in respect of patents issued for such inventions, licenses and rights of the scope and upon the terms herein provided to be granted to such grantee.

3.02 WESTERN and, except as may be stated in a letter from the CORPORATION to WESTERN referring to this agreement and delivered before or concurrently with the execution hereof by WESTERN, the CORPORATION each warrants that there are no commitments or restrictions which will limit the licenses and rights granted by it under patents issued at any time for inventions owned at any time during the FIVE YEAR PERIOD by it or any of its ASSOCIATED COMPANIES (and in the case of WESTERN'S warranty, by AT&T or any of its SUBSIDIARIES).

3.03 It is recognized that either party or any of its ASSOCIATED COMPANIES may have entered into or may hereafter enter into a contract with a national government to do development work financed by such government and may be required under such contract (either unconditionally or by reason of any action or inaction thereunder) to assign to such government its rights to grant, or may now or hereafter be restrained by such government from granting, licenses or immunities to others than its ASSOCIATED COMPANIES under patents for inventions arising out of such work or covered by such contract. The resulting inability of such party to grant the licenses or immunities purported to be granted by it under patents for such inventions shall not be considered to be a breach of this agreement, if:

(i) Such contract is for the benefit of such government's military or national defense establishment or the Energy Research and Development Administration of the United States Government or the National Aeronautics and Space Administration of the United States Government, or

(ii) In cases other than (i), such contract is with the United States Government or any agency of and within such Government, and any such requirement or restraint is pursuant to a statute or officially promulgated regulation of such Government or agency applicable to such contract;

provided, however, that:

(iii) Such party (or, if an ASSOCIATED COMPANY thereof has entered into such contract, such ASSOCIATED COMPANY) shall exert its best efforts to enable such party to grant the licenses or immunities herein purported to be granted by it under such patents; and

(iv) Within ninety (90) days after the filing of any application for any such patent, such party shall give written notice to the other party identifying such application by country, number and date of filing.

For the purposes of this section 3.03, AT&T, WESTERN and their ASSOCIATED COMPANIES shall all be deemed to be ASSOCIATED COMPANIES of one another, and the CORPORATION and its ASSOCIATED COMPANIES shall be deemed to be ASSOCIATED COMPANIES of one another.

ARTICLE IV—ROYALTY

4.01 The CORPORATION shall pay to WESTERN royalty, at the applicable rate hereinafter specified, on each LICENSED PRODUCT, and maintenance part therefor, which is a ROYALTY-BEARING PRODUCT, and

(i) Which is sold, leased or put into use by the CORPORATION or any of its SUBSIDIARIES while any license acquired hereunder by the CORPORATION with respect to such ROYALTY-BEARING PRODUCT shall remain in force, or

(ii) Which is made by or for the CORPORATION or any of its SUBSIDIARIES while any such license shall remain in force and is thereafter sold, leased or put into use by the CORPORATION or any of its SUBSIDIARIES,

whether or not such SUBSIDIARIES are sublicensed pursuant to section 2.06, such royalty rate to be applied, except as provided in section 4.05, to the NET SELLING PRICE of such ROYALTY-BEARING PRODUCT if sold for a separate consideration payable wholly in money and in all other cases to the FAIR MARKET VALUE thereof. The royalty rates applicable to LICENSED PRODUCTS of the kinds specified in section 2.01, and maintenance parts therefor, are as follows:

(iii)______________________________

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4.02 If a LICENSED PRODUCT is a ROYALTY-BEARING PRODUCT solely on account of one or a limited number of WESTERN'S PATENTS, the CORPORATION may elect to reduce the amount of royalty otherwise payable hereunder on said LICENSED PRODUCT by a royalty reduction percentage, and as of an effective date, established by WESTERN. Upon written request from the CORPORATION identifying the LICENSED PRODUCT and each relevant patent, WESTERN will inform the CORPORATION of the royalty reduction percentage applicable in respect of said LICENSED PRODUCT and patent or patents and the effective date thereof.

4.03 A LICENSED PRODUCT, or maintenance part therefor, which is made and sold by the CORPORATION or any of its SUBSIDIARIES and which is a ROYALTY-BEARING PRODUCT hereunder on account of one or more of WESTERN'S PATENTS, may be treated by the CORPORATION as not licensed and not subject to royalty hereunder if all of the following conditions are met:

(i) The purchaser is licensed under the same patent or patents, pursuant to another agreement, to have said LICENSED PRODUCT or part made;

(ii) The purchaser expressly advises the CORPORATION or its SUBSIDIARY, whichever effects the making and sale, in writing at or prior to (but in no event later than) the time of such sale that, in purchasing said LICENSED PRODUCT or part, it is exercising its own license or licenses under said patent or patents to have said LICENSED PRODUCT or part made; and

(iii) The CORPORATION retains such written advice and makes it available to WESTERN at the latter's request.

4.04 Only one royalty shall be payable hereunder in respect of any ROYALTY-BEARING PRODUCT. Royalty shall accrue hereunder on any LICENSED PRODUCT, or maintenance part therefor, upon its first becoming a ROYALTY-BEARING PRODUCT, and the royalty thereon shall become payable in accordance with the provisions of this Article IV upon the first sale, lease or putting into use thereof.

4.05 If any sale of a ROYALTY-BEARING PRODUCT shall be made by the CORPORATION or a SUBSIDIARY thereof to:

(i) Any company of which the CORPORATION is a SUBSIDIARY at the time of such sale, or

(ii) The CORPORATION or a SUBSIDIARY thereof or any other SUBSIDIARY of a company of which the CORPORATION is a SUBSIDIARY at the time of such sale,

royalty payable hereunder shall be computed on the FAIR MARKET VALUE of such ROYALTY-BEARING PRODUCT.

ARTICLE V—REPORTS AND PAYMENTS

5.01 The CORPORATION shall keep full, clear and accurate records with respect to ROYALTY-BEARING PRODUCTs. WESTERN shall have the right through its accredited auditing representatives to make an examination and audit, during normal business hours, not more frequently than annually, of all such records and such other records and accounts as may under recognized accounting practices contain information bearing upon the amount of royalty payable to it under this agreement. Prompt adjustment shall be made by the proper party to compensate for any errors or omissions disclosed by such examination or audit. Neither such right to examine and audit nor the right to receive such adjustments shall be affected by any statement to the contrary, appearing on checks or otherwise, unless such statement appears in a letter, signed by the party having such right and delivered to the other party, expressly waiving such right.[1]

5.02 (a) Within sixty (60) days after the end of each semiannual period ending on June 30th or December 31st, commencing with the semiannual period during which this agreement first becomes effective, the CORPORATION shall furnish to WESTERN a statement, in form acceptable to WESTERN; certified by a responsible official of the CORPORATION:

(i) Showing all ROYALTY-BEARING PRODUCTS, by kinds of LICENSED PRODUCTS, which were sold, leased or put into use during such semiannual period, the NET SELLING PRICES of such ROYALTY-BEARING PRODUCTS or (where royalty is based on FAIR MARKET VALUES) the FAIR MARKET VALUES thereof and the amount of royalty payable thereon (or if no such ROYALTY-BEARING PRODUCT has been so sold, leased or put into use, showing that fact);

(ii) Identifying, if royalty is reduced under provisions of section 4.02, each LICENSED PRODUCT by its type and the patent or patents involved in such royalty reduction;

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[1] If licensee insists on a non-Western auditor, third line, insert, after "representatives", -or, at the election of the CORPORATION, through a firm of certified public accountants proposed by WESTERN and accepted by the CORPORATION-.

(iii) Showing, by purchasers and kinds of LICENSED PRODUCTS, the monetary totals of the sales, to each purchaser exercising its own "to have made" license or licenses, of LICENSED PRODUCTS and maintenance parts in transactions of the character described in section 4.03; and

(iv) Identifying all transactions of the character described in section 4.05.

(b) Within such sixty (60) days the CORPORATION shall, irrespective of its own business and accounting methods, pay to WESTERN the royalties payable for such semiannual period.

(c) Notwithstanding the provisions of section 7.04(a)(v), the CORPORATION shall furnish whatever additional information WESTERN may reasonably prescribe from time to time to enable WESTERN to ascertain which LICENSED PRODUCTS (and maintenance parts therefor) sold, leased or put into use by the CORPORATION or any of its SUBSIDIARIES are subject to the payment of royalty to WESTERN, and the amount of royalty payable thereon.

5.03 Royalty payments provided for in this agreement shall, when overdue, bear interest at an annual rate of one percent (1%) over the prime rate or successive prime rates in effect in New York City during delinquency.

5.04 Payment to WESTERN shall be made in United States dollars to WESTERN'S Treasury Organization at 222 Broadway, New York, New York 10038, or at such changed address as WESTERN shall have specified by written notice. If any royalty for any semiannual period referred to in section 5.02 is computed in other currency, conversion to United States dollars shall be at the prevailing rate for bank cable transfers on New York City as quoted for the last day of such semiannual period by leading banks dealing in the New York City foreign exchange market.

ARTICLE VI—TERMINATION, CANCELLATION AND SURRENDER

6.01 Any termination under the provisions of this Article VI by one party of licenses and rights of the other party shall not affect the licenses and rights of the terminating party and its sublicensees (or of AT&T and its sublicensees if WESTERN is the terminating party), nor the obligations of the CORPORATION under the provisions of Articles IV and V if it is the terminating party.

6.02 If WESTERN shall fail to fulfill one or more of its obligations under this agreement, the CORPORATION may, upon election and in addition to any other remedies that it may have, at any time terminate all licenses and rights granted to WESTERN and AT&T hereunder, by not less than six (6) months' written notice to WESTERN specifying any such breach, unless within the period of such notice all breaches specified therein shall have been remedied.

6.03 (a) If the CORPORATION shall fail to fulfill one or more of:

(i) Its obligations under Articles IV or V, or

(ii) Its obligations under this agreement whereby WESTERN or AT&T fails to receive licenses or rights which it is entitled hereunder to receive under patents issued in the United States,

WESTERN may, upon the election and in addition to any other remedies that it may have, at any time terminate all licenses and rights granted to the CORPORATION hereunder, by not less than six (6) months' written notice to the CORPORATION specifying any such breach, unless within the period of such notice all breaches specified therein shall have been remedied.

(b) Termination by WESTERN of licenses and rights granted to the CORPORATION shall terminate the obligations of the CORPORATION under the provisions of Articles IV and V relating to such terminated licenses and rights, except such obligations as to ROYALTY-BEARING PRODUCTS made, sold, leased or put into use prior to such termination.

6.04 (a) By written notice to WESTERN, the CORPORATION may cancel the licenses for any specified products granted hereunder to it under WESTERN'S PATENTS. Such cancellation shall be effective as of the date of giving said notice but shall not relieve the CORPORATION of its obligation to pay accrued royalties with respect to such specified products.

(b) By written notice to the CORPORATION, WESTERN or AT&T may cancel the licenses for any specified products granted hereunder to it under the CORPORATION'S PATENTS, such cancellation to be effective as of the date of giving said notice.

6.05 By written notice to WESTERN, specifying any of WESTERN'S PATENTS by number and date of issuance, the CORPORATION may surrender and terminate all licenses and rights granted to it under such specified patent or patents or under any specified invention or inventions thereof. Such surrender and termination shall be effective as of a date specified in said notice which shall not be more than six (6) months prior to the date of giving said notice. As of said effective date, such specified patent or patents or invention or inventions shall cease to be among, or among the inventions of, WESTERN'S PATENTS for the purposes of this agreement without affecting obligations in respect of royalties accrued prior to said effective date.

6.06 (a) Every sublicense granted by a party or AT&T shall terminate with termination or cancellation of its corresponding license.

(b) Any sublicenses granted shall terminate if and when the grantee thereof ceases to be an ASSOCIATED COMPANY of WESTERN or AT&T or a SUBSIDIARY of the CORPORATION. Each LICENSED PRODUCT and each maintenance part, made by or for a SUBSIDIARY of the CORPORATION, and on which royalty has accrued but which remains not sold, leased or put into use at the time such SUBSIDIARY ceases to be a SUBSIDIARY of the CORPORATION, shall be deemed to have been put into use by such SUBSIDIARY immediately prior to such time at the place said LICENSED PRODUCT or part is then located.

(c) If an ASSOCIATED COMPANY'S relationship to a party or AT&T changes so that such ASSOCIATED COMPANY is no longer an ASSOCIATED COMPANY of such party or AT&T, licenses and rights acquired under the patents and patent rights of such ASSOCIATED COMPANY for inventions made prior to the date such relationship changed shall not be affected by such change.

6.07 Licenses, immunities and rights with respect to each LICENSED PRODUCT, and each maintenance part, made, sold, leased or put into use prior to any termination or cancellation under the provisions of this Article VI shall survive such termination or cancellation.

ARTICLE VII—MISCELLANEOUS PROVISIONS

7.01 With respect to patents or inventions owned jointly by the CORPORATION, or any of its ASSOCIATED COMPANIES, with any other person or persons who has or have granted, or who shall hereafter grant, to WESTERN or AT&T, licenses or other rights thereunder, the CORPORATION, to the extent that the licenses and rights so granted do not exceed the scope of the licenses and rights herein granted by the CORPORATION, consents to the grant of licenses and rights to WESTERN and AT&T under such patents and inventions by such other person or persons.

7.02 (a) Each party shall, upon written request from the other party sufficiently identifying any patent by country, number and date of issuance, inform the other party as to the extent to which any such patent is subject to the licenses, immunities and rights granted to such other party.

(b) If such licenses, immunities or rights under any such patent are restricted in scope, copies of all pertinent provisions of any contract (other than provisions of a contract with a government to the extent that disclosure thereof is prohibited under that government's laws or regulations) creating such restrictions shall, upon request, be furnished to the party making such request.

7.03 Upon written request from one party, the other party shall inform the requesting party which of said other party's patents cover inventions under which the United States Government holds a royalty-free license.

7.04 (a) Nothing contained in this agreement shall be construed as:

(i) Requiring the filing of any patent application, the securing of any patent or the maintaining of any patent in force; or

(ii) A warranty or representation by any grantor as to the validity or scope of any patent; or

(iii) A warranty or representation that any manufacture, sale, lease, use or importation will be free from infringement of patents other than those under which and to the extent to which licenses or immunities are in force hereunder; or

(iv) An agreement to bring or prosecute actions or suits against third parties for infringement; or

(v) An obligation to furnish any manufacturing or technical information or assistance; or

(vi) Conferring any right to use, in advertising, publicity or otherwise, any name, trade name or trademark, or any contraction, abbreviation or simulation thereof; or

(vii) Conferring by implication, estoppel or otherwise upon any grantee any license or other right under any patent, except the licenses and rights expressly granted to such grantee; or

(viii) An obligation upon any grantor to make any determination as to the applicability of any patent to any product of any grantee or any of its ASSOCIATED COMPANIES; or

(ix) A release for any infringement prior to the effective date hereof.

(b) Neither party nor AT&T makes any representations, extends any warranties of any kind or assumes any responsibility whatever with respect to the manufacture, sale, lease, use or importation of any LICENSED PRODUCT, or part therefor, by any grantee, any of its ASSOCIATED COMPANIES, or any direct or indirect supplier or vendee or other transferee of any such company, other than the licenses, immunities, rights and warranties expressly herein granted.

7.05 Neither this agreement nor any licenses or rights hereunder, in whole or in part, shall be assignable or otherwise transferable.

7.06 Any notice, request or information shall be deemed to be sufficently given when sent by registered mail addressed to the addressee at its office above specified (and when addressed to WESTERN, to the attention of its Patent Licensing Organization) and any royalty statement shall be deemed to be sufficiently furnished when sent by registered mail addressed to WESTERN'S Treasury Organization at 222 Broadway, New York, New York 10038, or at such changed address as the addressee shall have specified by written notice.

7.07 This agreement sets forth the entire agreement and understanding between the parties as to the subject matter hereof and merges all prior discussions between them and neither of the parties shall be bound by any conditions, definitions, warranties, understandings or representations with respect to such subject matter other than as expressly provided herein, or in any prior existing written agreement between the parties, or as duly set forth on or subsequent to the effective date hereof in writing and signed by a proper and duly authorized representative of the party to be bound thereby.

7.08 The construction and performance of this agreement shall be governed by the law of the State of New York.

IN WITNESS WHEREOF, each of the parties has caused this agreement to be executed in duplicate originals by its duly authorized representatives on the respective dates entered below.

WESTERN ELECTRIC COMPANY, INCORPORATED
By ______________________
Director of Patent Licensing

____
Date
[SEAL]
Attest:

____
Secretary

By ______________________
Title ______________________

____
Date
[SEAL]
Attest:

____
Secretary

GENERAL DEFINITIONS APPENDIX

ASSOCIATED COMPANIES of AT&T are The Southern New England Telephone Company, a Connecticut corporation, and its SUBSIDIARIES, Cincinnati Bell Inc., an Ohio corporation, and its SUBSIDIARIES, and SUBSIDIARIES of AT&T other than WESTERN and its SUBSIDIARIES.

ASSOCIATED COMPANIES of the CORPORATION are SUBSIDIARIES of the CORPORATION, companies presently having the CORPORATION as a SUBSIDIARY and other SUBSIDIARIES of such companies.

ASSOCIATED COMPANIES of WESTERN are SUBSIDIARIES of WESTERN.

The CORPORATION'S PATENTS means all patents issued at any time in the United States for:

(i) Inventions made prior to the termination of the FIVE YEAR PERIOD and owned or controlled at any time during the FIVE YEAR PERIOD by the CORPORATION or any of its ASSOCIATED COMPANIES,

(ii) Inventions made during the FIVE YEAR PERIOD, solely or jointly with anyone, and in the course of their employment by employees of any such company who are employed to do research, development or other inventive work, and

(iii) Any other inventions made prior to the termination of the FIVE YEAR PERIOD, with respect to which and to the extent to which any such company shall at any time during the FIVE YEAR PERIOD have the right to grant the licenses and rights which are herein granted by the CORPORATION.

FAIR MARKET VALUE means the NET SELLING PRICE which the CORPORATION or any of its SUBSIDIARIES, whichever effects the sale, lease or use of the product or maintenance part, would realize from an unaffiliated buyer in an arm's length sale of an identical product or maintenance part in the same quantity and at the same time and place as such sale, lease or use.

FIVE YEAR PERIOD means the period commencing on the effective date of this agreement and having a duration of five years.

LICENSED PRODUCT means, as to any respective grantee,

(i) any product as such, or

(ii) any product which is any specified combination.

of the kinds listed in section 2.01 or 2.02 of this agreement. Although the term does not mean, and although licenses are not granted for, any other combination, a LICENSED PRODUCT

(iii) shall not lose its status as such on account of, and

(iv) shall not cause an unlicensed combination to infringe the grantor's patents (i.e., WESTERN'S PATENTS or the CORPORATION'S PATENTS, as the case may be) solely on account of, such LICENSED PRODUCT being made, sold, leased or put into use as part of an unlicensed combination.

NET SELLING PRICE means the gross selling price of the ROYALTY-BEARING

PRODUCT in the form in which it is sold, whether or not assembled (and without excluding therefrom any components or subassemblies thereof, whatever their origin and whether or not patent impacted), less the following items but only insofar as they pertain to the sale of such ROYALTY-BEARING PRODUCT by the CORPORATION or any of its SUBSIDIARIES and are included in such gross selling price:

(i) Usual trade discounts actually allowed (other than cash discounts, advertising allowances, or fees or commissions to any employees of the CORPORATION, a SUBSIDIARY of the CORPORATION, a company of which the CORPORATION is a SUBSIDIARY at the time of the sale, or any other SUBSIDIARY of a company of which the CORPORATION is a SUBSIDIARY at the time of such sale);

(ii) Packing costs;

(iii) Import, export, excise and sales taxes, and customs duties;

(iv) Costs of insurance and transportation from the place of manufacture to the customer's premises or point of installation;

(v) Costs of installation at the place of use; and

(vi) Costs of special engineering services not incident to the design or manufacture of the ROYALTY-BEARING PRODUCT.

ROYALTY-BEARING PRODUCT means any LICENSED PRODUCT of the kinds specified in section 2.01 of this agreement (other than any LICENSED PRODUCT for which all the licenses granted in this agreement are at a royalty rate of zero percent (0%)), and any maintenance part therefor,

(i) Which upon manufacture includes, or the manufacture of which employs, any invention of any of WESTERN'S PATENTS in force at the time and place of such manufacture, or

(ii) Which includes when sold, leased or put into use, or the use of which employs, any invention of any of WESTERN'S PATENTS in force at the time and place of such sale, lease or use,

other than:

(iii) Inventions under which the United States Government holds a royalty-free license if such LICENSED PRODUCT or part is contracted for, directly or indirectly, by the United States Government, or by another national government with funds derived through the Military Assistance Program or otherwise through the United States Government, and

(iv) Inventions employed in the manufacture of, or included in, such LICENSED PRODUCT or any original part thereof, or such maintenance part therefor or any original part thereof, by a direct or indirect supplier of the CORPORATION or any of its SUBSIDIARIES, but only to the extent such supplier has exercised its own licenses granted by WESTERN under patents for such inventions to so employ or include said inventions.

SUBSIDIARY means a company the majority of whose stock entitled to vote for election of directors is now or hereafter controlled by the parent company either directly or indirectly, but any such company shall be deemed to be a SUBSIDIARY only so long as such control exists.

WESTERN'S PATENTS means all patents issued at any time in the United States for:

(i) Inventions made prior to the termination of the FIVE YEAR PERIOD and owned or controlled at any time during the FIVE YEAR PERIOD by AT&T, WESTERN or any of their SUBSIDIARIES,

(ii) Inventions made during the FIVE YEAR PERIOD, solely or jointly with anyone, and in the course of their employment by employees of any such company who are employed to do research, development or other inventive work, and

(iii) Any other inventions made prior to the termination of the FIVE YEAR PERIOD, with respect to which and to the extent to which any such company shall at any time during the FIVE YEAR PERIOD have the right to grant the licenses and rights which are herein granted by WESTERN;

provided, however, that said patents do not include those issued for inventions made by employees of any SUBSIDIARY of WESTERN or AT&T exclusively engaged in the performance of contracts with the Energy Research and Development Administration of the United States.

[41 FR 28699, July 12, 1976, as amended at 50 FR 47549, Nov. 19, 1985]

§ 68.506 Configurations used to connect multi-line communications systems such as Private Branch Exchange (PBX) and key telephone systems.

Any of the jack configurations specified in § 68.502, used singly, in multiple combinations, or combined in common mechanical arrays, may be used as the interface between multiline equipment such as PBX and key telephone systems, and the telephone network. The telephone company and installation supervisor may mutually agree to use electrical connections alternative to those specified in § 68.502.

[43 FR 16501, Apr. 19, 1978]

PART 69—ACCESS CHARGES

Subpart A—General

Sec.
69.1 Application of access charges.
69.2 Definitions.
69.3 Filing of access service tariffs.
69.4 Charges to be filed.
69.5 Persons to be assessed.

Subpart B—Computation of Charges

69.101 General.
69.103 Limited pay telephone (public telephones that can access the services of only one interexchange carrier).
69.104 End user common line.
69.105 Carrier common line.
69.106 Local switching.
69.107 Equal access.
69.109 Information.
69.111 Common transport.
69.112 Dedicated transport.
69.113 Non-premium charges for MTS-WATS equivalent services.
69.114 Special access.
69.115 Special access surcharges.
69.116 Universal service fund.
69.117 Lifeline assistance.

Subpart C—Computation of Transition Charges

69.201 General.
69.203 Transitional end user common line charges.
69.204 Optional alternative carrier common line tariff provisions.
69.205 Transitional premium charges.
69.209 Annual 1989 access tariff filings.

Subpart D—Apportionment of Net Investment

69.301 General.
69.302 Net investment.
69.303 Information origination/termination equipment (IOT).
69.304 Subscriber line cable and wire facilities.
69.305 Carrier cable and wire facilities (C&WF).
69.306 Central office equipment (COE).
69.307 General support facilities.
69.308 Equal access equipment.
69.309 Other investment.
69.310 Capital investment.

Subpart E—Apportionment of Expenses

69.401 Direct expenses.
69.402 Operating taxes (Account 7200).
69.403 Marketing expenses (Account 6610).
69.404 Telephone operator services expenses in Account 6620.
Sec.
69.405 Published directory expenses in Account 6620.
69.406 Local business office expenses in Account 6620.
69.407 Revenue accounting expenses in Account 6620.
69.408 All other customer services expenses in Account 6620.
69.409 Corporate operations expenses (Account 6710 and 6720).
69.410 Equal access expenses.
69.411 Other expenses.
69.412 Non participating company payments/receipts.
69.413 Universal service fund expenses.
69.414 Lifeline assistance expenses.

Subpart F—Segregation of Common Line Element Revenue Requirement

69.501 General.
69.502 Base factor allocation.

Subpart G—Exchange Carrier Association

69.601 Exchange carrier association.
69.602 Board of directors.
69.603 Association functions.
69.604 Billing and collection of access charges.
69.605 Reporting and distribution of pool access revenues.
69.606 Computation of average schedule company payments.
69.607 Disbursement of Carrier Common Line residue.
69.608 Carrier Common Line hypothetical net balance.
69.609 End User Common Line hypothetical net balances.
69.610 Other hypothetical net balances.
69.611 Effect of optional alternative carrier common line tariff provisions and end user common line surcharges.
69.612 Long term and transitional support.

AUTHORITY: Secs. 4, 201, 202, 203, 205, 218, 403, 48 Stat. 1066, 1070, 1072, 1077, 1094, as amended, 47 U.S.C. 154, 201, 202, 203, 205, 218, 403.

SOURCE: 48 FR 10358, Mar. 11, 1983, unless otherwise noted.

EDITORIAL NOTE: For documents granting waivers of certain Commission rules in this part, see the List of CFR Sections Affected in the Finding Aids section of this volume.

Subpart A—General

§ 69.1 Application of access charges.

(a) This part establishes rules for access charges for interstate or foreign access services provided by telephone companies on or after January 1, 1984.

(b) Charges for such access services shall be computed, assessed and collected and revenues from such charges shall be distributed as provided in this part. Access service tariffs shall be filed and supported as provided under Part 61 of this chapter, except as modified herein.

§ 69.2 Definitions.

For purposes of the part:

(a) "Access Minutes" or "Access Minutes of Use" is that usage of exchange facilities in interstate or foreign service for the purpose of calculating chargeable usage. On the orginating end of an interstate or foreign call, usage is to be measured from the time the originating end user's call is delivered by the telephone company and acknowledged as received by the interexchange carrier's facilities connected with the originating exchange. On the terminating end of an interstate or foreign call, usage is to be measured from the time the call is received by the end user in the terminating exchange. Timing of usage at both the orginating and terminating end of an interstate or foreign call shall terminate when the calling or called party disconnects, whichever event is recognized first in the originating and terminating end exchanges, as applicable;

(b) "Access Service" includes services and facilities provided for the origination or termination of any interstate or foreign telecommunication;

(c) "Annual revenue requirement" means the sum of the return component and the expense component;

(d) "Association" means the telephone company association described in Subpart G of this part;

(e) "Big Three Expenses" are the combined expense groups comprising: Plant Specific Operations Expense, Accounts 6110, 6120, 6210, 6220, 6230, 6310 and 6410; Plant Nonspecific Operations Expenses, Accounts 6510, 6530 and 6540, and Customer Operations Expenses, Accounts 6610 and 6620;

(f) "Big Three Expense Factors" are the ratios of the sum of Big Three Expenses apportioned to each element or category to the combined Big Three Expenses.

(g) "Cable and Wire Facilities" includes all equipment or facilities that are described as cable and wire facilities in the *Separations Manual* and included in Account 2410.

(h) "Carrier Cable and Wire Facilities" means all cable and wire facilities that are not subscriber line cable and wire facilities;

(i) "Central Office Equipment" or "COE" includes all equipment or facilities that are described as Central Office Equipment in the *Separations Manual* and included in Accounts 2210, 2220 and 2230.

(j) "Corporate Operations Expenses" include Executive and Planning Expenses (Account 6710) and General and Administrative Expenses (Account 6720);

(k) "Customer Operations Expenses" include Marketing and Services expenses in Accounts 6610 and 6620, respectively;

(l) "Direct Expense" means expenses that are attributable to a particular category or categories of tangible investment described in Subpart D of this part and includes:

(1) Plant Specific Operations expenses in Accounts 6110, 6120, 6210, 6220, 6230, 6310 and 6410; and

(2) Plant Nonspecific Operations Expenses in Accounts 6510, 6530, 6540 and 6560;

(m) "End User" means any customer of an interstate or foreign telecommunications service that is not a carrier except that a carrier other than a telephone company shall be deemed to be an "end user" when such carrier uses a telecommunications service for administrative purposes and a person or entity that offers telecommunications services exclusively as a reseller shall be deemed to be an "end user" if all resale transmissions offered by such reseller originate on the premises of such reseller;

(n) "Entry Switch" means the telephone company switch in which a transport line or trunk terminates;

(o) "Expense Component" means the total expenses and income charges for an annual period that are attributable to a particular element or category;

(p) "Expenses" include allowable expenses in the Uniform System of Accounts, Part 32, apportioned to interstate or international services pursuant to the *Separations Manual* and allowable income charges apportioned to interstate and international services pursuant to the *Separations Manual;*

(q) "General Support Facilities" include buildings, land, vehicles, aircraft, work equipment, furniture, office equipment and general purpose computers as described in the *Separations Manual* and included in Account 2110.

(r) "Information Origination/Termination Equipment" includes all equipment or facilities that are described as information origination/termination equipment in the *Separations Manual* and in Account 2310 except information origination/termination equipment that is used by telephone companies in their own operations.

(s) "Interexchange" or the "interexchange category" includes services or facilities provided as an integral part of interstate or foreign telecommunications that is not described as "access service" for purposes of this part;

(t) *Level I Contributors.* Telephone companies that are not association Common Line tariff participants, file their own Common Line tariffs effective April 1, 1989, and had a lower than average Common Line revenue requirement per minute of use in 1988 and thus were net contributors (*i.e.*, had a negative net balance) to the association Common Line pool in 1988.

(u) *Level I Receivers.* Telephone companies that are not association Common Line tariff participants, file their own Common Line tariffs effective April 1, 1989, and had a higher than average Common Line revenue requirement per minute of use in 1988 and thus were net receivers (*i.e.*, had a positive net balance) from the association Common Line Pool in 1988.

(v) *Level II Contributors.* A telephone company or group of affiliated telephone companies with fewer than 300,000 access lines and less than $150 million in annual operating revenues that is not an association Common Line tariff participant, that files its own Common Line tariff effective July 1, 1990, and that had a lower than average Common Line revenue requirement per minute of use in 1988 and thus was a net contributor (i.e., had a negative net balance) to the association Common Line pool in 1988.

(w) *Level II Receivers.* A telephone company or group of affiliated telephone companies with fewer than 300,000 access lines and less than $150 million in annual operating revenues that is not an association Common Line tariff participant, that files its own Common Line tariff effective July 1, 1990, and that had a higher than average Common Line revenue requirement per minute of use in 1988 and thus was a net receiver (i.e., had a positive net balance) from the association Common Line pool in 1988.

(x) "Line" or "Trunk" includes, but is not limited to, transmission media such as radio, satellite, wire, cable and fiber optic cable means of transmission;

(y) "Long Term Support" (LTS) means funds provided by telephone companies that are not association Common Line tariff participants to association Common Line tariff participants. LTS enables association Common Line tariff participants to charge a Common Line (CL) rate equivalent to the CL rate that would result if all telephone companies participated in the association Common Line tariff;

(z) "Net Investment" means allowable original cost investment in Accounts 2001 through 2003, 1220 and 1402 that has been apportioned to interstate and foreign services pursuant to the *Separations Manual* from which depreciation, amortization and other reserves attributable to such investment that has been apportioned to interstate and foreign services pursuant to the *Separations Manual* have been subtracted and to which working capital that is attributable to interstate and foreign services has been added;

(aa) "Operating Taxes" include all taxes in Account 7200;

(bb) "Origination" of a service that is switched in a Class 4 switch or an interexchange switch that performs an equivalent function ends when the transmission enters such switch and "termination" of such a service begins when the transmission leaves such a switch, except that;

(1) Switching in a Class 4 switch or transmission between Class 4 switches that is not deemed to be interexchange for purposes of the Modified Final Judgement entered August 24, 1982, in *United States v Western Electric Co.*, D.C. Civil Action No. 82-0192, will be "origination" or "termination" for purposes of this part; and

(2) "Origination" and "Termination" does not include the use of any part of a line, trunk or switch that is not owned or leased by a telephone company;

(cc) "Origination" of any service other than a service that is switched in a Class 4 switch or a switch that performs an equivalent function ends and "termination" of any such service begins at a point of demarcation that corresponds with the point of demarcation that is used for a service that is switched in a Class 4 switch or a switch that performs an equivalent function;

(dd) "Private Line" means a line that is used exclusively for an interexchange service other than MTS, WATS or an MTS-WATS equivalent service, including a line that is used at the closed end of an FX WATS or CCSA service or any service that is substantially equivalent to a CCSA service;

(ee) "Public Telephone" is a telephone provided by a telephone company through which an end user may originate interstate or foreign telecommunications for which he pays with coins or by credit card, collect or third number billing procedures;

(ff) "Return Component" means net investment attributable to a particular element or category multiplied by the authorized annual rate of return;

(gg) "Subscriber Line Cable and Wire Facilities" means all lines or trunks on the subscriber side of a Class 5 or end office switch, including lines or trunks that do not terminate in such a switch, except lines or trunks that connect an interexchange carrier;

(hh) "Telephone Company" means a carrier that provides telephone exchange service as defined in section 3(r) of the Communications Act of 1934;

(ii) "Transitional Support" (TRS) means funds provided by telephone companies that are not association Common Line tariff participants, but were net contributors to the association Common Line pool in 1988, to telephone companies that are not association Common Line tariff participants and were net receivers from the association Common Line pool in 1988;

(jj) "Unit of Capacity" means the capability to transmit one conversation;

(kk) "WATS Access Line" means a line or trunk that is used exclusively for WATS service.

(ll) "Equal access investment and equal access expenses" mean equal access investment and expenses as defined for purposes of the Part 36 separations rules.

[52 FR 37309, Oct. 6, 1987, as amended at 53 FR 28395, July 28, 1988; 53 FR 30059, Aug. 10, 1988; 54 FR 3456, Jan. 24, 1989; 54 FR 11716, Mar. 22, 1989; 55 FR 6990, Feb. 28, 1990]

§ 69.3 Filing of access service tariffs

(a) Except as provided in § 69.3 of this chapter, a tariff for access service shall be filed with this Commission for an annual period. Such tariffs shall be filed so as to provide a minimum of 90 days notice with a scheduled effective date of July 1. Such tariff filings shall be limited to rate level changes.

(b) The requirements imposed by paragraph (a) of this section shall not preclude the filing of revisions to those annual tariffs that will become effective on dates other than July 1.

(c) Any access service tariff filing, the filing of any petitions for rejection, investigation or suspension and the filing of any responses to such petitions shall comply with the applicable rules of this Commission relating to tariff filings.

(d) The association shall file a tariff as agent for all telephone companies that participate in an association tariff.

(e) A telephone company or group of telephone companies may file a tariff that is not an association tariff. Such a tariff may cross-reference the association tariff for some access elements and include separately computed charges of such company or companies for other elements. Any such tariff must comply with the requirements hereinafter provided:

(1) Such a tariff must cross reference association charges for the Carrier Common Line and End User Common Line element or elements if such company or companies participate in the pooling of revenues and revenue requirements for such elements.

(2) Such a tariff that cross-references an association charge for any end user access element must cross-reference association charges for all end user access elements;

(3) Such a tariff that cross-references an association charge for any carrier's carrier access element other than the Carrier Common Line element must cross-reference association charges for all carrier's carrier access charges other than the Carrier Common Line element;

(4) Any charge in such a tariff that is not an association charge must be computed to reflect the combined investment and expenses of all companies that participate in such a charge;

(5) A telephone company or companies that elect to file such a tariff for 1984 access charges shall notify AT&T on or before the 40th day after the release of the Commission order adopting this part;

(6) A telephone company or companies that elect to file such a tariff shall notify the association not later than December 31 of the preceding year, if such company or companies did not file such a tariff in the preceding annual period or cross-reference association charges in such preceding period that will not be cross-referenced in the new tariff.

(7) Such a tariff shall not contain harges for any access elements that re disaggregated or deaveraged within a study area that is used for urposes of jurisdictional separations.

(8) Such a tariff shall not contain harges included in the billing and collection category.

(9) A telephone company or group of ffiliated telephone companies that ects to file it own Carrier Common ine tariff effective April 1, 1989 shall otify the association not later than ugust 30 of the preceding year that it ill no longer participate in the association tariff. A telephone company or group of affiliated telephone companies that elects to file its own Carrier Common Line tariff effective July 1, 1990 or thereafter pursuant to § 69.3(a) shall notify the association not later than December 31 of the preceding year that it will no longer participate in the association tariff. A telephone company or group of affiliated telephone companies that electes to file its own Carrier Common Line tariff for one its study areas shall file its own Carrier Common Line tariff(s) for all of its study areas.

(10) Any data supporting a tariff that is not an association tariff shall be consistent with any data that the filing carrier submitted to the association.

(11) Any changes in Association common line tariff participation and Long Term and Transitional Support resulting from the merger or acquisition of telephone properties are to be made effective on the next annual access tariff filing effective date following consummation of the merger or acquisition transaction, in accordance with the provisions of § 69.3(e)(9).

(f) A tariff for access service provided by a telephone company that may file an access tariff pursuant to § 61.39 may be filed for a biennial period with a minimum of 90 days notice and scheduled effective date of July 1 of any odd numbered year. An eligible telephone company that does not elect to file an access tariff pursuant to the § 61.39 procedures may elect to file a biennial tariff pursuant to this section. For purposes of computing charges for access elements other than Common Line elements to be effective on July 1 of any even-numbered year, the association may compute rate changes based upon statistical methods which represent a reasonable equivalent to the cost support information otherwise required under Part 61 of this chapter.

(g) The following rules apply to telephone company participation in the Association common line pool for telephone companies involved in a merger or acquisition.

(1) Notwithstanding the requirements of § 69.3(e)(9), any Association common line tariff participant that is

party to a merger or acquisition may continue to participate in the Association common line tariff.

(2) Notwithstanding the requirements of § 69.3(e)(9), any Association common line tariff participant that is party to a merger or acquisition may include other telephone properties involved in the transaction in the Association common line tariff, provided that the net addition of common lines to the Association common line tariff resulting from the transaction in not greater than 50,000, and provided further that, if any common lines involved in a merger or acquisition are returned to the Association common line tariff, all of the common lines involved in the merger or acquisition must be returned to the Association common line tariff.

(3) Telephone companies involved in mergers or acquisitions that wish to have more than 50,000 common lines reenter the Association common line pool must request a waiver of § 69.3(e)(9). If the telephone company has met all other legal obligations, the waiver request will be deemed granted on the sixty-first (61st) day from the date of public notice inviting comment on the requested waiver unless:

(i) The merger or acquisition involves one or more partial study areas;

(ii) The waiver includes a request for confidentiality of some or all of the materials supporting the request;

(iii) The waiver includes a request to return only a portion of the telephone properties involved in the transaction to the Association common line tariff;

(iv) The Commission rejects the waiver request prior to the expiration of the sixty-day period;

(v) The Commission requests additional time or information to process the waiver application prior to the expiration of the sixty-day period; or

(vi) A party, in a timely manner, opposes a waiver request or seeks conditional approval of the waiver in response to our public notice of the waiver request.

(47 U.S.C. 154 (i) and (j), 201, 202, 203, 205, 218 and 403 and 5 U.S.C. 553)

[48 FR 10358, Mar. 11, 1983, as amended at 48 FR 43017, Sept. 21, 1983; 50 FR 41356, Oct. 10, 1985; 51 FR 6119, Feb. 20, 1986; 51 FR 42236, Nov. 24, 1986; 52 FR 21540, June 8, 1987; 52 FR 37310, Oct. 6, 1987; 53 FR 36289, Sept. 19, 1988; 54 FR 39534, Sept. 27, 1989; 55 FR 6990, Feb. 28, 1990]

§ 69.4 Charges to be filed.

(a) The end user charges for access service filed with this Commission shall include charges for the End User Common Line element.

(b) Except as provided in Subpart C of this Part and in paragraphs 69.4 (c) and (d), the carrier's carrier charges for access service filed with this Commission shall include charges for each of the following elements:

(1) Limited pay telephone;

(2) Carrier common line;

(3) Local switching;

(4) Information;

(5) Common transport;

(6) Dedicated transport; and

(7) Special access.

(c) For all tariffs filed with this Commission that become effective after March 31, 1989, the carrier's carrier charges for access service shall include charges for each of the elements listed in § 69.4(b) and for each of the following elements:

(1) Universal Service Fund;

(2) Lifeline Assistance.

(d) For the period June 1, 1988 through December 31, 1993, all telephone companies may implement a separate carrier's carrier tariff charge for an Equal Access element. Effective January 1, 1994, all telephone companies shall eliminate separate carrier's carrier tariff charges for an Equal Access element.

[48 FR 43017, Sept. 21, 1983, as amended at 52 FR 21540, June 8, 1987; 52 FR 37310, Oct. 6, 1987; 54 FR 11718, Mar. 22, 1989]

§ 69.5 Persons to be assessed.

(a) End user charges shall be computed and assessed upon end users, as defined in this subpart, and as provided in Subpart B of this part.

(b) Carrier's carrier charges shall be computed and assessed upon all interexchange carriers that use local exchange switching facilities for the provision of interstate or foreign telecommunications services.

(c) Special access surcharges shall be assessed upon users of exchange facilities that interconnect these facilities with means of interstate or foreign telecommunications to the extent that carrier's carrier charges are not assessed upon such interconnected usage. As an interim measure pending the development of techniques accurately to measure such interconnected use and to assess such charges on a reasonable and non-discriminatory basis, telephone companies shall assess special access surcharges upon the closed ends of private line services and WATS services pursuant to the provisions of § 69.115 of this part.

(d) Universal Service Fund and Lifeline Assistance charges shall be assessed upon all interexchange carriers that use local exchange switching facilities for the provision of interstate or foreign telecommunications services and that have at least .05 percent of the total common lines presubscribed to interexchange carriers in all study areas.

(47 U.S.C. 154 (i) and (j), 201, 202, 203, 205, 218 and 403 and 5 U.S.C. 553)

[48 FR 43017, Sept. 21, 1983, as amended at 51 FR 10840, Mar. 31, 1986; 51 FR 33752, Sept. 23, 1986; 52 FR 21540, June 8, 1987; 54 FR 50624, Dec. 8, 1989]

Subpart B—Computation of Charges

§ 69.101 General.

Except as provided in Subpart C of this part, charges for each access element shall be computed and assessed as provided in this subpart.

§ 69.103 Limited pay telephone (public telephones that can access the services of only one interexchange carrier).

(a) A charge that is expressed in dollars and cents per line per month shall be assessed upon an interexchange carrier for each line terminating in a public telephone which can be used to originate any of its interstate or foreign telecommunications services, but not such services of other interexchange carriers.

(b) The per line charge shall be computed by dividing one-twelfth of the projected annual revenue requirement for the Limited Pay Telephone element by the projected average number of public telephones which can access the services of only one interexchange carrier.

[52 FR 37310, Oct. 6, 1987]

§ 69.104 End user common line.

(a) A charge that is expressed in dollars and cents per line per month shall be assessed upon end users that subscribe to local exchange telephone service, Centrex or semi-public coin telephone service to the extent they do not pay carrier common line charges. Such charge shall be assessed for each line between the premises of an end user and a Class 5 office that is or may be used for local exchange service transmissions.

(b) Charges to multi-line subscribers shall be computed by multiplying a single line rate by the number of lines used by such subscriber.

(c) Except as provided in § 69.104(d) through (h), the single line rate or charge shall be computed by dividing one-twelfth of the projected annual revenue requirement for the End User Common Line element by the projected average number of local exchange service subscriber lines in use during such annual period.

(d) If the monthly charge computed in accordance with § 69.104(c) exceeds $6, the charge for each local exchange service subscriber line, except a residential line, a single-line business line, or a line used for Centrex-CO service that was in place or on order as of July 27, 1983, shall be $6.

(e) The monthly charge for each residential or single line business local exchange service subscriber shall be the charge computed in accordance with § 69.104(c), or the relevant transitional charge established in § 69.203, whichever is lower.

(f) Except as provided in § 69.104 (j) and (k), the charge for each residential local exchange service subscriber line shall be the same as the charge for each single line business local exchange service subscriber line.

(g) A line shall be deemed to be a residential line if the subscriber pays a rate for such line that is described as a residential rate in the local exchange service tariff.

(h) A line shall be deemed to be a single line business line if the subscriber pays a rate that is not described as a residential rate in the local exchange service tariff and does not obtain more than one such line from a particular telephone company.

(i) The End User Common Line charge for each multi-party subscriber shall be assessed as if such subscriber had subscribed to single-party service.

(j) The End User Common Line charge for a residential subscriber shall be 50% of the charge specified in § 69.104 (c) and (d) if the residential local exchange service rate for such subscribers is reduced by an equivalent amount, *Provided*, That such local exchange service rate reduction is based upon a means test that is subject to verification.

(k)(1) The End User Common Line charge for residential subscribers shall be reduced to the extent of the state assistance as calculated in paragraph (k)(2) of this section, or waived in full if the state assistance equals or exceeds the residential End User Common Line charge under the circumstances described below. In order to qualify for this waiver, the subscriber must be eligible for and receive assistance or benefits provided pursuant to a narrowly targeted telephone company lifeline assistance program, requiring verification of eligibility, implemented by the State or local telephone company. A state or local telephone company wishing to implement this End User Common Line reduction or waiver for its subscribers shall file information with the Commission Secretary demonstrating that its plan meets the criteria set out in this section and showing the amount of state assistance per subscriber as described in paragraph (k)(2) of this section. The reduction or waiver of the End User Common Line charge shall be available as soon as the Commission certifies that the State or local telephone plan satisfies the criteria set out in this paragraph and the relevant tariff provisions become effective.

(2)(i) The State assistance per subscriber shall be equal to the difference between the charges to be paid by the participating subscribers and those to be paid by other subscribers for comparable monthly local exchange service, service connections and customer deposits, except that benefits or assistance for connection charges and deposit requirements may only be counted once annually. In order to be included in calculating the state assistance, such benefits must be for a single telephone line to the household's principal residence.

(ii) The monthly state assistance per participating subcriber shall be calculated by adding the amounts calculated in paragraphs (k)(2)(ii) (A) and (B) of this section.

(A) The amount of the monthly State assistance per participating subscriber for local exchange service shall be calculated by dividing the annual difference between charges paid by all participating subscribers for residential local exchange service and the amount which would have been charged to non-qualifying subscribers for comparable service by twelve times the number of subscribers participating in the State assistance program. Estimates may be used when historic data are not available.

(B) The amount of the monthly State assistance for service connections and customer deposits per participating subscriber shall be calculated by determining the annual amount of the reductions in these charges for participating subscribers each year and dividing this amount by twelve times the number of participating subscribers. Estimates may be used when historic data are not available.

(l) In connection with the filing of access tariffs pursuant to § 69.3(a), telephone companies shall calculate for the association their projected revenue requirements attributable to the operation of § 69.104 (j) through (k). The projected amount will be adjusted by the association to reflect the actual lifeline assistance benefits paid in the previous period. If the actual benefits exceeded the projected amount for that period, the differential will be added to the projection for the ensuing period. If the actual benefits were less than the projected amount for that period, the differential will be subtracted from the projection for the ensuing period. The association shall so adjust amounts to the Lifeline Assistance revenue requirement, bill and collect such amounts from interexchange carriers pursuant to § 69.117 and distribute the funds to qualifying telephone companies pursuant to § 69.603(d).

(m) No charge shall be assessed for any WATS access line.

[48 FR 10358, Mar. 11, 1983, as amended at 48 FR 43018, Sept. 21, 1983; 52 FR 21540, June 8, 1987; 53 FR 28395, July 28, 1988]

§ 69.105 Carrier common line.

(a) A charge that is expressed in dollars and cents per access minute of use shall be assessed upon all interexchange carriers that use local exchange common line facilities for the provision of interstate or foreign telecommunications services, except that the charge shall not be assessed upon interexchange carriers to the extent they resell MTS or MTS-type services of other common carriers (OCCs).

(b)(1) For purposes of this section and § 69.113:

(i) A carrier or other person shall be deemed to receive premium access if access is provided through a local exchange switch that has the capability to provide access for an MTS-WATS equivalent service that is substantially equivalent to the access provided for MTS or WATS, except that access provided for an MTS-WATS equivalent service that does not use such capability shall not be deemed to be premium access until six months after the carrier that provides such MTS-WATS equivalent service receives actual notice that such equivalent access is or will be available at such switch;

(ii) The term "open end" of a call describes the origination or termination of a call that utilizes exchange carrier common line plant (a call can have no, one, or two open ends); and

(iii) All open end minutes on calls with one open end (*e.g.*, an 800 or FX call) shall be treated as terminating minutes.

(2) For association Carrier Common Line tariff participants—

(i) The premium originating Carrier Common Line charge shall be one cent per minute, and

(ii) The premium terminating Carrier Common Line charge shall be computed by subtracting the sum of the projected revenues generated by the originating Carrier Common Line charges (both premium and non-premium) of association Carrier Common Line tariff participants and of telephone companies that are not association Carrier Common Line tariff participants from the sum of the projected Carrier Common Line revenue requirements for association Carrier Common Line tariff participants and for telephone companies that are not association Carrier Common Line tariff participants, and dividing the remainder by the sum of the projected premium terminating minutes and a number equal to .45 multiplied by the projected non-premium terminating minutes of association Carrier Common Line tariff participants and of telephone companies that are not association Carrier Common Line tariff participants.

(3) If the calculations described in § 69.105(b)(2) result in a per minute charge on premium terminating minutes that is less than one cent, both the originating and terminating premium charges for the Carrier Common Line tariff participants shall be computed by dividing the sum of the projected Carrier Common Line revenue requirements of such telephone companies and of telephone companies that are not association Carrier Common Line tariff participants, by the sum of the projected premium minutes and a number equal to .45 multiplied by the projected non-premium minutes of association Carrier Common Line tariff participants.

(4) The Carrier Common Line charges of telephone companies that are not association Carrier Common Line tariff participants shall be computed at the level of Carrier Common Line access element aggregation selected by such telephone companies pursuant to § 69.3(e)(7). For each such Carrier Common Line access element tariff—

(i) The premium originating Carrier Common Line charge shall be one cent per minute, and

(ii) The premium terminating Carrier Common Line charge shall be computed by subtracting the projected revenues generated by the originating Carrier Common Line charges (both premium and non-premium) from the Carrier Common Line revenue requirement for the companies participating in that tariff, and dividing the remainder by the sum of the projected premium terminating minutes and a number equal to .45 multiplied by the projected non-premium terminating minutes for such companies.

(5) If the calculations described in § 69.105(b)(4) result in a per minute charge on premium terminating minutes that is less than one cent, both the originating and terminating premium charges for the companies participating in said Carrier Common Line tariff shall be computed by dividing the projected Carrier Common Line revenue requirement for such companies by the sum of the projected premium minutes and a number equal to .45 multiplied by the projected non-premium minutes for such companies.

(6) Telephone companies that are not association Carrier Common Line tariff participants shall submit to the Commission and to the association whatever data the Commission shall determine are necessary to calculate the charges described in this section.

(c) Any interexchange carrier shall receive a credit for Carrier Common Line charges to the extent that it resells services for which these charges have already been assessed (*e.g.*, MTS or MTS-type service of other common carriers).

[51 FR 10841, Mar. 31, 1986, as amended at 52 FR 21541, June 8, 1987; 54 FR 6293, Feb. 9, 1989]

§ 69.106 Local switching.

(a) Charges that are expressed in dollars and cents per access minute of use shall be assessed upon all interexchange carriers that use local exchange switching facilities for the provision of interstate or foreign services.

(b) A per minute charge shall be computed by dividing the projected annual revenue requirement for the Local Switching element by the projected annual access minutes of use for all interstate or foreign services that use local exchange switching facilities.

(c) If end users of an interstate or foreign service that uses local switching facilities pay message unit charges for such calls in a particular exchange, a credit shall be deducted from the Local Switching element charges to such carrier for access service in such exchange. The per minute credit for each such exchange shall be multiplied by the monthly access minutes for such service to compute the monthly credit to such a carrier.

(d) If all local exchange subscribers in such exchange pay message unit charges, the per minute credit described in paragraph (c) of this section shall be computed by dividing total message unit charges to all subscribers in a particular exchange in a representative month by the total minutes of use that were measured for purposes of computing message unit charges in such month.

(e) If some local exchange subscribers pay message unit charges and some do not, a per minute credit described in paragraph (c) of this section shall be computed by multiplying a credit computed pursuant to paragraph (d) of this section by a factor that is equal to total minutes measured in such month for purposes of computing message unit charges divided by the total local exchange minutes in such month.

[52 FR 37310, Oct. 6, 1987]

§ 69.107 Equal access.

(a) A monthly charge that is expressed in dollars and cents either per Feature Group D trunk or per presubscribed equal access line shall be assessed by telephone companies that implement an Equal Access element as provided in § 69.4(d) upon all interexchange carriers for either the interstate and foreign Feature Group D access service trunks the interexchange carrier uses or the presubscribed equal access lines the carrier serves.

(b) A monthly charge per Feature Group D trunk shall be computed by dividing the projected annual revenue requirement for the Equal Access element by twelve times the projected annual average number of interstate and foreign Feature Group D access service trunks.

(c) A monthly charge per presubscribed equal access line shall be computed by dividing the projected annual revenue requirement for the Equal

Access element by twelve times the projected annual average number of presubscribed equal access lines.

[54 FR 11718, Mar. 22, 1989]

§ 69.109 Information.

(a) A charge shall be assessed upon all interexchange carriers that are connected to assistance boards through interexchange directory assistance trunks.

(b) If such connections are maintained exclusively by carriers that offer MTS, the projected annual revenue requirement for the Information element shall be divided by 12 to compute the monthly assessment to such carriers.

(c) If such connections are provided to additional carriers, charges shall be established that reflect the relative use of such directory assistance service by such interexchange carriers.

§ 69.111 Common transport.

(a) A charge that is expressed in dollars and cents per access minute shall be assessed upon all interexchange carriers that use switching or transmission facilities that are apportioned to the Common Transport element for purposes of apportioning net investment.

(b) The per minute charge shall be weighted by a distance factor that reflects the airline distance between the Class 5 or end office switch that serves an end user and the entry switch.

(c) Charges shall be designed to produce annual revenue that is equal to the projected annual revenue requirement for the Common Transport element.

[48 FR 10358, Mar. 11, 1983, as amended at 51 FR 10841, Mar. 31, 1986]

§ 69.112 Dedicated transport.

(a) The projected annual revenue requirement for Dedicated Transport shall be divided into three parts. The revenue requirement shall be apportioned on the basis of relative net investment in the following investment categories:

(1) Interface arrangements;

(2) Voice grade transmission facilities; and

(3) Conditioning arrangements.

(b) Appropriate subelements shall be established for the use of interface arrangements. Charges for such subelements shall be assessed and computed as follows:

(1) Such charges shall be assessed upon all interexchange carriers for the interface arrangements they use to provide interstate or foreign services;

(2) Charges for all such subelements shall be designed to produce total annual revenues that are equal to the portion of the projected annual revenue requirement for Dedicated Transport that has been apportioned to the interface arrangements subelements; and

(3) Charges for individual subelements shall be designed to reflect cost differences among such subelements in a manner that complies with applicable Commission rules or decisions.

(c) A charge for the use of voice grade transmission facilities shall be assessed upon interexchange carriers that use such facilities to provide interstate or foreign services. Such charges shall be expressed in dollars and cents per unit of capacity. Total units of capacity provided to an interexchange carrier shall be measured by ascertaining the number of conversations that could be transmitted simultaneously without producing blocking in the dedicated transport facilities. The capacity unit charge for carriers that offer MTS shall be weighted by a distance factor that reflects the airline distance between the entry switch and the interexchange facility. The capacity unit charge for other carriers shall be weighted by a distance factor that reflects the lesser or least of the airline distance between the entry switch and such carrier's interexchange facility or the airline distance between the entry switch and any interexchange facility of carriers that offer MTS that is located within 5 miles of such carrier's interexchange facility.

(d) Appropriate subelements shall be established for the use of conditioning arrangements. Charges for such subelements shall be assessed and computed as follows:

(1) Such charges shall be assessed upon all interexchange carriers that use conditioning arrangements in their

provision of interstate or foreign services;

(2) Charges for all such subelements shall be designed to produce total annual revenues that are equal to the portion of the projected annual revenue requirement for Dedicated Transport that has been apportioned to the conditioning arrangements subelements; and

(3) Charges for individual subelements shall be designed to reflect cost differences among such subelements in a manner that complies with applicable Commission rules or decisions.

§ 69.113 Non-premium charges for MTS-WATS equivalent services.

(a) Charges that are computed in accordance with this section shall be assessed upon interexchange carriers or other persons that receive access that is not deemed to be premium access (as this term is defined in § 69.105(b)(1)) in lieu of carrier charges that are computed in accordance with §§ 69.105, 69.106, 69.111 and 69.112.

(b) The non-premium charge for the Carrier Common Line element shall be computed by multiplying the premium charge for such element by .45.

(c) The non-premium charge for the Local Switching element shall be computed by multiplying a hypothetical premium charge for such element by .45. The hypothetical premium charge for such element shall be computed by dividing the annual revenue requirement for such element by the sum of the projected premium access minutes for such element for such period and a number that is computed by multiplying the projected non-premium minutes for such element for such period by .45.

(d) The non-premium charge or charges for the Transport element or elements shall be computed by multiplying the corresponding premium charge or charges by .45.

[54 FR 6293, Feb. 9, 1989]

§ 69.114 Special access.

(a) Appropriate subelements shall be established for the use of equipment or facilities that are assigned to the Special Access element for purposes of apportioning net investment.

(b) Charges for all subelements shall be designed to produce total annual revenue that is equal to the projected annual revenue requirement for the Special Access element.

(c) Charges for an individual element shall be assessed upon all interexchange carriers that use the equipment or facilities that are included within such subelement.

(d) Charges for individual subelements shall be designed to reflect cost differences among subelements in a manner that complies with applicable Commission rules or decisions.

[48 FR 10358, Mar. 11, 1983, as amended at 48 FR 43019, Sept. 21, 1983. Redesignated at 54 FR 6293, Feb. 9, 1989]

§ 69.115 Special access surcharges.

(a) Pending the development of techniques accurately to measure usage of exchange facilities that are interconnected by users with means of interstate or foreign telecommunications, a surcharge that is expressed in dollars and cents per line termination per month shall be assessed upon users that subscribe to private line services or WATS services that are not exempt from assessment pursuant to paragraph (e) of this section.

(b) Such surcharge shall be computed to reflect a reasonable approximation of the carrier usage charges which, assuming non-premium interconnection, would have been paid for average interstate or foreign usage of common lines, end office facilities, and transport facilities, attributable to each Special Access line termination which is not exempt from assessment pursuant to paragraph (e) of this section.

(c) If the association, carrier or carriers that file the tariff are unable to estimate such average usage for a period ending May 31, 1985, the surcharge for such period shall be twenty-five dollars ($25) per line termination per month.

(d) A telephone company may propose reasonable and nondiscriminatory end user surcharges, to be filed in its federal access tariffs and to be applied to the use of exchange facilities which are interconected by users with means of interstate or foreign telecommunication which are not provided by the telephone company, and which are not exempt from assessment pursuant to paragraph (e) of this section. Telephone companies which wish to avail themselves of this option must undertake to use reasonable efforts to identify such means of interstate or foreign telecommunication, and to assess end user surcharges in a reasonable and nondiscriminatory manner.

(e) No special access surcharges shall be assessed for any of the following terminations:

(1) The open end termination in a telephone company switch of an FX line, including CCSA and CCSA-equivalent ONALs;

(2) Any termination of an analog channel that is used for radio or television program transmission;

(3) Any termination of a line that is used for telex service;

(4) Any termination of a line that by nature of its operating characteristics could not make use of common lines; and

(5) Any termination of a line that is subject to carrier usage charges pursuant to § 69.5.

(6) Any termination of a line that the customer certifies to the exchange carrier is not connected to a PBX or other device capable of interconnecting a local exchange subscriber line with the private line or WATS access ine.

47 U.S.C. 154 (i) and (j), 201, 202, 203, 205, 18 and 403 and 5 U.S.C. 553)

48 FR 43019, Sept. 21, 1983, as amended at 9 FR 7829, Mar. 2, 1984; 51 FR 10841, Mar. 1, 1986; 52 FR 8259, Mar. 17, 1987]

69.116 Universal service fund.

Effective August 1, 1988:

(a) A charge that is expressed in dolars and cents per line per month shall e assessed upon all interexchange arriers that use local exchange witching facilities for the provision of nterstate or foreign telecommunicaions services and that have at least 05 percent of the total common lines resubscribed to interexchange carrirs in all study areas.

(b) The charge shall be computed by he association on a semi-annual basis y dividing one-twelfth of the projectd annual Universal Service Fund revenue requirement by the total number of common lines presubscribed to interexchange carriers defined in § 69.116(a). Beginning on April 1, 1989, the association shall bill and collect the charge, and disburse associated revenue, on a monthly basis pursuant to § 69.603(c).

(c) Telephone companies shall provide the association the data necessary to compute the charge. These data shall include the number of presubscribed common lines in each study area and the number of those lines associated with each interexchange carrier serving that study area. In a study area served by a single interexchange carrier, all common lines shall be considered as presubscribed to that interexchange carrier. Information concerning presubscribed common lines shall be filed with the association on June 30 and December 30 of each year, except for the first such submission, containing presubscribed common line data calculated as of December 31, 1987, which shall be filed on August 1, 1988. Presubscribed common line data filed on June 30 shall be calculated as of December 31 of the preceding year, and presubscribed common line data filed on December 30 shall be calculated as of June 30 of the same year.

[53 FR 28396, July 28, 1988, as amended at 54 FR 50624, Dec. 8, 1989]

§ 69.117 Lifeline assistance.

Effective August 1, 1988:

(a) A charge that is expressed in dollars and cents per line per month shall be assessed upon all interexchange carriers that use local exchange switching facilities for the provision of interstate or foreign telecommunications services and that have at least .05 percent of the total common lines presubscribed to interexchange carriers in all study areas.

(b) The charge shall be computed by the association on a semi-annual basis by dividing the sum of one-twelfth of the projected annual Lifeline Assistance revenue requirement and one-twelfth of the projected annual revenue requirement calculated by all telephone companies pursuant to § 69.104(l) by the number of common lines presubscribed to interexchange carriers defined in § 69.117(a). Beginning on April 1, 1989, the association shall bill and collect the charge, and disburse associated revenue, on a monthly basis pursuant to § 69.603(d).

(c) Telephone companies shall provide to the association the data necessary to compute the charge. These data shall include the number of presubscribed common lines in each study area and the number of those lines associated with each interexchange carrier serving that study area. In a study area served by a single interexchange carrier, all common lines shall be considered as presubscribed to that interexchange carrier. Information concerning presubscribed common lines shall be filed with the association on June 30 and December 30 of each year, except for the first such submission, containing presubscribed common line data calculated as of December 31, 1987, which shall be filed on August 1, 1988. Presubscribed common line data filed on June 30 shall be calculated as of December 31 of the preceding year, and presubscribed common line data filed on December 30 shall be calculated as of June 30 of the same year.

[53 FR 28396, July 28, 1988, as amended at 54 FR 50624, Dec. 8, 1989]

Subpart C—Computation of Transition Charges

§ 69.201 General.

Notwithstanding §§ 69.4, 69.104, 69.106, and 69.111 through 69.112, charges for the access elements described in this Subpart shall be computed in accordance with this Subpart during the period commencing January 1, 1984 and ending December 31, 1992. This Subpart does not supersede Sections 69.106 (c) through (e).

[54 FR 6293, Feb. 9, 1989]

§ 69.203 Transitional end user common line charges.

(a) Except as provided in §§ 69.104 and 69.204, the End User Common Line charge for single line business subscribers, single line residential subscribers, and multi-line residential subscribers shall be the lesser of the charge computed in § 69.104(c) or $2 per line per month until June 30, 1987; $2.60 per line per month during the period from July 1, 1987 through November 30, 1988; $3.20 per line per month during the period from December 1, 1988 through March 31, 1989; and $3.50 per month thereafter.

(b) The End User Common Line charge for each subscriber line used for Centrex-CO service that was in place or on order as of July 27, 1983, shall be the lesser of the charge computed in § 69.104(c) of $3 per line per month until June 30, 1987; $4 per line per month during the period from July 1, 1987 through November 30, 1988; $5 per line per month for the period from December 1, 1988 through March 31, 1989; and $6 per line per month thereafter.

(c) No charge shall be assessed for any WATS access line.

(d) Except as provided in paragraphs (f) and (g), the End User Common Line charge for single line and multiline residential subscribers shall be $1 per month per line during the June 1, 1985—May 31, 1986 period and $2 per month per line after May 31, 1986.

(e) The End User Common Line charge for each multi-party subscriber shall be assessed as if such subscriber had subscribed to single-party service.

(f) The End User Common Line charge for a residential subscriber shall be 50% of the charge specified in paragraphs (d) and (e) if the residential local exchange rate for such subscribers is reduced by an equivalent amount, provided that such local exchange service rate reduction is based upon a means test that is subject to verification.

(g)(1) The End User Common Line charge for residential subscribers shall be reduced to the extent of the state assistance as calculated in paragraph (g)(2) of this section, or waived in full if the state assistance equals or exceeds the residential End User Common Line Charge under the circumstances described below. In order to qualify for this waiver, the subscriber must be eligible for and receive assistance or benefits provided pursuant to a narrowly targeted telephone lifeline assistance plan requiring verification of eligibility, implemented by the state or local telephone company. A state or local telephone company wishing to implement this End User Common Line reduction or waiver for its subscribers shall file information with the Commission Secretary demonstrating that its plan meets the criteria set out in this section, and showing the amount of state assistance per subscriber as described in paragraph (g)(2) of this section. The reduction or waiver of the End User Common Line Charge shall be available as soon as the Commission certifies that the state or local telephone plan satisfies the criteria set out in this subsection, and the relevant tariff provisions become effective.

(2)(i) The state assistance per subscriber shall be equal to the difference between the charges to be paid by participating subscribers and those to be paid by other subscribers for comparable monthly local exchange service, service connections and customer deposits, except that benefits or assistance for connection charges and deposit requirements may only be counted once annually. In order to be included in calculating the state assistance, such benefits must be for a ingle telephone line to the household's principal residence.

(ii) The monthly state assistance per participating subscriber shall be calculated by adding the amounts calculated in paragraphs (g)(2)(i) (A) and (B) f this section.

(A) The amount of the monthly tate assistance per participating subcriber for local exchange service harges shall be calculated by dividing he annual difference between the harges paid by all participating subcribers for residential local exchange ervice and the amount which would ave been charged to non-qualifying ubscribers for comparable service by welve times the number of subscribrs participating in the state assistnce program. Estimates may be used hen historic data is not available.

(B) The amount of the monthly tate assistance for service connections nd customer deposits per participatg subscriber shall be calculated by etermining the annual amount of the eductions in these charges for particiating subscribers each year, and diiding this amount by twelve times the umber of participating subscribers. Estimates may be used when historic data is not available.

(h) No charge shall be assessed for any WATS access line.

[50 FR 944, Jan. 8, 1985, as amended at 50 FR 9636, Mar. 11, 1985; 51 FR 1374, Jan. 13, 1986; 51 FR 10841, Mar. 31, 1986; 51 FR 15003, Apr. 22, 1986; 52 FR 21542, June 8, 1987]

§ 69.204 Optional alternative carrier common line tariff provisions.

(a) A telephone company that files a concurrence described in subsection (c) of this section may file Optional Alternative Carrier Common Line tariff provisions for a particular study area to encourage use of telephone company access service facilities by interexchange carriers and large volume users. Such tariff provisions shall be designed to ensure that large volume users of interstate or foreign telecommunications services in such study area will receive the benefit of any reduction in Carrier Common Line charges. These tariff provisions shall be filed on a minimum of 90 days notice.

(b) A telephone company that files an Optional Alternative Carrier Common charge may file a surcharge upon End User Common Line charges, to be effective on a minimum of 90 days notice, if

(1) A uniform surcharge is imposed upon all monthly End User Common Line charges in such study area;

(2) The monthly surcharge does not exceed 35 cents; and

(3) Such surcharge revenues are not likely to exceed the difference between the annual revenues that would have been produced by the association Carrier Common Line charge and the annual revenues that will be produced by the Optional Alternative Carrier Common Line tariff provisions.

(c) A concurrence may be issued by a public utility commission that regulates intrastate telecommunications services in the relevant area or by the CC Docket 80-286 Joint Board. A telephone company may request a concurrence from the CC Docket 80-286 Joint Board if, but only if, the appropriate public utility commission declines to issue a concurrence or fails to act upon a request for a concurrence within 60 days after such request has been filed. A concurrence shall signify that a majority of such commission or Joint Board agree that the Optional Alternative Carrier Common Line tariff provisions are warranted to deter bypass in the affected area and that any End User Common Line surcharge is not likely to impair universal service in the affected area.

[50 FR 944, Jan. 8, 1985]

§ 69.205 Transitional premium charges.

(a) Charges that are computed in accordance with this section shall be assessed upon interexchange carriers or other persons that receive premium access in lieu of carrier charges that are computed in accordance with §§ 69.106, 69.111 and 69.112 of this part if any carrier or other person does not receive premium access, as this term is defined in § 69.105.

(b) Separate Local Switching transitional premium charges that are expressed in dollars and cents per access minute shall be computed for the LS1 and LS2 categories. The LS1 category shall consist of local dial switching for services other than MTS, WATS and services receiving access to the local switch equal to that received by MTS and WATS. The LS2 category shall consist of local dial switching for MTS, WATS and services receiving access to the local switch equal to that received by MTS and WATS.

(c) The charge for an LS2 premium access minute shall be computed by dividing the premium Local Switching revenue requirement by the sum of the projected LS2 premium access minutes and a number that is computed by multiplying the projected LS1 premium access minutes by the applicable LS1 transition factor. The charge for an LS1 premium access minute shall be computed by multiplying the charge for an LS2 premium access minute by the applicable LS1 transition factor. The premium Local Switching revenue requirement shall be computed by subtracting the projected revenues from non-premium charges attributable to the Local Switching element from the revenue requirement for such element.

(d) During each of the following years the LS1 transition factor shall be:

(1) January 1, 1988 through March 31, 1989—.78;

(2) April 1, 1989 through June 30, 1990—.86;

(3) July 1, 1990 through June 30, 1991—.905;

(4) July 1, 1990 through June 30, 1992—.955; and

(5) July 1, 1992 through December 31, 1992—.98

(e) Transitional premium charges that are computed in accordance with applicable requirements shall be assessed for the Transport element or elements. Such premium charges shall be designed to produce total annual revenue that is equal to the premium transport revenue requirement. The premium transport revenue requirement shall be computed by subtracting projected revenues from non-premium charges attributable to the Transport element or elements from the revenue requirement for such element or elements.

[54 FR 6293, Feb. 9, 1989]

§ 69.209 Annual 1989 access tariff filings.

Notwithstanding § 69.3, tariffs for access service shall be filed to be effective April 1, 1989 for a period extending through June 30, 1990. Such tariffs shall be filed so as to provide a minimum of 90 days notice.

[55 FR 6990, Feb. 28, 1990]

Subpart D—Apportionment of Net Investment

SOURCE: 52 FR 37312, Oct. 6, 1987, unless otherwise noted.

§ 69.301 General.

(a) For purposes of computing annual revenue requirements for access elements net investment as defined in § 69.2(z) shall be apportioned among the interexchange category, the billing and collection category and access elements as provided in this subpart. Expenses shall be apportioned as provided in Subpart E of this part.

(b) The End User Common Line and Carrier Common Line elements shall be combined for purposes of this subpart and Subpart E of this part. Those elements shall be described collectively as the Common Line element. The Common Line element revenue requirement shall be segregated in accordance with Subpart F of this part.

§ 69.302 Net investment.

(a) Investment in Accounts 2001, 1220 and Class B Rural Telephone Bank Stock booked in Account 1402 shall be apportioned among the interexchange category, billing and collection category and appropriate access elements as provided in §§ 69.303 through 69.309.

(b) Investment in Accounts 2002, 2003 and to the extent such inclusions are allowed by this Commission, Account 2005 shall be apportioned on the basis of the total investment in Account 2001, Telecommunications Plant in Service.

[52 FR 37312, Oct. 6, 1987, as amended at 54 FR 3456, Jan. 24, 1989]

§ 69.303 Information origination/termination equipment (IOT).

(a) Investment in public telephones and appurtenances shall be assigned to the Common Line element, if capable of use with the services of more than one interexchange carrier, or the Limited Pay Telephone element, if capable of use with the services of only one interexchange carrier.

(b) Investment in all other IOT shall be apportioned between the Special Access and Common Line elements on the basis of the relative number of equivalent lines in use, as provided herein. Each interstate or foreign Special Access Line, excluding lines designated in § 69.115(e), shall be counted as one or more equivalent lines where channels are of higher than voice bandwidth, and the number of equivalent lines shall equal the number of voice capacity analog or digital channels to which the higher capacity is equivalent. Local exchange subscriber lines shall be multiplied by the interstate Subscriber Plant Factor to determine the number of equivalent local exchange subscriber lines.

§ 69.304 Subscriber line cable and wire facilities.

(a) Investment in local exchange subscriber lines shall be assigned to the Common Line element.

(b) Investment in interstate and foreign private lines and interstate WATS access lines shall be assigned to the Special access element.

(c) Investment in lines terminating in public telephones which may only access the services of one interexchange carrier (or partnership) shall be assigned to the Limited Pay Telephone element. Investment in all other lines terminating in public telephones shall be assigned to the Common Line element.

§ 69.305 Carrier cable and wire facilities (C&WF).

(a) Carrier C&WF that is not used for "origination" or "termination" as defined in § 69.2(bb) and § 69.2(cc) shall be assigned to the interexchange category.

(b) Carrier C&WF, other than WATS access lines, not assigned pursuant to paragraph (a) of this section that is used for interexchange services that use switching facilities for origination and termination that are also used for local exchange telephone service shall be apportioned between the Dedicated Transport and Common Transport elements. Such C&WF shall be assigned to the Dedicated Transport element if it is used exclusively for the interexchange services of a particular carrier.

(c) All Carrier C&WF that is not apportioned pursuant to paragraphs (a) and (b) of this section shall be assigned to the Special Access element.

§ 69.306 Central office equipment (COE).

(a) The Separations Manual categories shall be used for purposes of apportioning investment in such equipment except that any Central office equipment attributable to a Dedicated transport subelement shall be assigned to the Dedicated transport element.

(b) COE Category 1 (Operator Systems Equipment) shall be apportioned among the interexchange category and the access elements as follows: Category 1 that is used for intercept services shall be assigned to the Local Switching element. Category 1 that is used for directory assistance shall be assigned to the Information element. Category 1 other than service observation boards that is not assigned to the Information element and is not used for intercept services shall be assigned to the interexchange category. Service observation boards shall be apportioned among the interexchange category and the Information, Common Transport and Local Switching access elements based on the remaining combined investment in COE Category 1, Category 2 and Category 3.

(c) COE Category 2 (Tandem Switching Equipment) that is deemed to be exchange equipment for purposes of the Modification of Final Judgment in *United States* v. *Western Electric Co.* shall be assigned to the Common Transport element. All other COE Category 2 shall be assigned to the interexchange category.

(d) COE Category 3 (Local Switching Equipment) shall be assigned to the Local Switching element except as provided in paragraph (a) of this section.

(e) COE Category 4 (Circuit Equipment) shall be apportioned among the interexchange category and the Common Line, Limited Pay Telephone, Dedicated Transport, Common Transport and Special Access elements. COE Category 4 shall be apportioned in the same proportions as the associated Cable and Wire Facilities.

§ 69.307 General support facilities.

General Support Facilities investments shall be apportioned among the interexchange category, the billing and collection category, and Common Line, Limited Pay Telephone, Local Switching, Information, Dedicated Transport, Common Transport, and Special Access elements on the basis of Central Office Equipment, Information Origination/Termination Equipment, and Cable and Wire Facilities excluding Category 1.3, combined.

§ 69.308 Equal access equipment.

Equal Access investment shall be assigned to the Local Switching element unless the telephone company chooses to implement a separate Equal Access element as provided in § 69.4(d) in which case Equal Access investment shall be assigned to the Equal Access element.

[54 FR 11718, Mar. 22, 1989]

§ 69.308 Equal access equipment.

Equal Access investment shall be assigned to the Local Switching element.

§ 69.309 Other investment.

Investment that is not apportioned pursuant to §§ 69.302 through 69.308 shall be apportioned among the interexchange category, the billing and collection category, and access elements in the same proportions as the combined investment that is apportioned pursuant to §§ 69.303 through 69.308.

§ 69.310 Capital leases.

Capital Leases in Account 2680 shall be directly assigned to the appropriate interexchange category or access elements consistent with the treatment prescribed for similar plant costs or shall be apportioned in the same manner as Account 2001.

Subpart E—Apportionment of Expenses

SOURCE: 52 FR 37313, Oct. 6, 1987, unless otherwise noted.

§ 69.401 Direct expenses.

(a) Plant Specific Operations Expenses in Accounts 6110 and 6120 shall be apportioned among the interexchange category, the billing and collection category and appropriate access elements on the following basis:

(1) Account 6110—Apportion on the basis of other investment apportioned pursuant to § 69.309.

(2) Account 6120—Apportion on the basis of General and Support Facilities investment pursuant to § 69.307.

(b) Plant Specific Operations Expenses in Accounts 6210, 6220 and 6230 shall be apportioned among the interchange category and access elements on the basis of the apportionment of the total COE investment.

(c) Plant Specific Operations Expenses in Accounts 6310 and 6410 shall be assigned to the appropriate investment category and shall be apportioned among the interexchange category and access elements in the same proportions as the total associated investment.

(d) Plant Non Specific Operations Expenses in Accounts 6510 and 6530 shall be apportioned among the interchange category, the billing and collection category, and access elements in the same proportions as the combined investment in COE, IOT, and C&WF apportioned to each element and category.

(e) Plant Non Specific Operations Expenses in Account 6540 shall be assigned to the interexchange category.

(f) Plant Non Specific Operations Expenses in Account 6560 shall be apportioned among the interexchange category, the billing and collection category, and access elements in the same proportion as the associated investment.

(g) Amortization of embedded customer premises wiring investment shall be deemed to be associated with § 69.303(b) IOT investment for purposes of the apportionment described in paragraph (c) of this section.

§ 69.402 Operating taxes (Account 7200).

(a) Federal income taxes, state and local income taxes, and state and local gross receipts or gross earnings taxes that are collected in lieu of a corporate income tax shall be apportioned among the interexchange category, the billing and collection category and all access elements based on the approximate net taxable income on which the tax is levied (positive or negative) applicable to each element and category.

(b) All other operating taxes shall be apportioned among the interexchange category, the billing and collection category and all access elements in the same manner as the investment apportioned to each element and category pursuant to § 69.309 Other Investment.

§ 69.403 Marketing expense (Account 6610).

Marketing expense shall be apportioned among the interexchange category and all access elements in the same proportions as the combined investment that is apportioned pursuant to § 69.309.

§ 69.404 Telephone operator services expenses in Account 6620.

Telephone Operator Services expenses shall be apportioned among the interexchange category, and the Local Switching and Information elements based on the relative number of weighted standard work seconds. For those companies who contract with another company for the provision of these services, the expenses incurred shall be directly assigned among the interexchange category and the Local Switching and Information elements on the basis of the bill rendered for the services provided.

§ 69.405 Published directory expenses in Account 6620.

Published Directory expenses shall be assigned to the Information element.

§ 69.406 Local business office expenses in Account 6620.

(a) Local business office expenses shall be assigned as follows:

(1) End user service order processing expenses attributable to presubscription shall be apportioned among the Common Line, Switching, and Transport elements in the same proportion as the investment apportioned to those elements pursuant to § 69.309.

(2) End user service order processing, payment and collection, and billing inquiry expenses attributable to the company's own interstate private line and special access service shall be assigned to the Special Access element.

(3) End user service order processing, payment and collection, and billing inquiry expenses attributable to interstate private line service offered by an interexhange carrier shall be assigned to the billing and collection category.

(4) End user service order processing, payment and collection, and billing inquiry expenses attributable to the company's own interstate message toll service shall be assigned to the interexchange category. End user service order processing, payment and collection, and billing inquiry expenses attributable to interstate message toll service offered by an interexchange carrier shall be assigned to the billing and collection category. End user payment and collection and billing inquiry expenses attributable to End User Common Line access billing shall be assigned to the Common Line element.

(5) End user service order processing, payment and collection, and billing inquiry expenses attributable to TWX service shall be assigned to the Special Access element.

(6) Interexchange carrier service order processing, payment and collection, and billing inquiry expenses attributable to private lines and special access shall be assigned to the Special Access element.

(7) Interexchange carrier service order processing, payment and collection, and billing inquiry expenses attributable to interstate switched access and message toll, shall be apportioned among the Common Line, Local Switching and Transport elements in the same proportion as the investment apportioned to those elements pursuant to § 69.309.

(8) Interexchange carrier service order processing, payment and collection, and billing inquiry expenses attributable to billing and collection service shall be assigned to the billing and collection category.

(9) Coin collection and administration expenses shall be divided between limited and non-limited public telephones. Coin collection and administration expenses attributable to limited public telephones shall be assigned to the Limited Pay Telephone element. Coin collection and administration expenses attributable to non-limited public telephone shall be assigned to the Common Line element.

§ 69.407 Revenue accounting expenses in Account 6620.

(a) Revenue accounting expenses that are attributable to End User Common Line access billings shall be assigned to the Common Line element.

(b) Revenue Accounting Expenses that are attributable to carrier's carrier access billing and collecting expense shall be apportioned among all carrier's carrier access elements except the Common Line element. Such expenses shall be apportioned in the same proportion as the combined investment in COE, C&WF and IOT apportioned to those elements.

(c) All other Revenue Accounting Expenses shall be assigned to the billing and collection category.

§ 69.408 All other customer services expense in Account 6620.

All other customer services expenses shall be apportioned among the Interexchange category, the billing and collection category and all access elements based on the combined expenses in §§ 69.404 through 69.407.

[52 FR 37313, Oct. 6, 1987, as amended at 54 FR 3456, Jan. 24, 1989]

§ 69.409 Corporate operations expenses (Accounts 6710 and 6720).

All corporate operations expenses shall be apportioned among the interexchange category, the billing and collection category and all access ele-

ments in accordance with the Big 3
Expense Factor as defined in § 69.2(f).

§ 69.410 Equal access expenses.

Equal Access expenses shall be as-
signed to the Local Switching element
unless the telephone company chooses
o implement a separate Equal Access
element as provided in § 69.4(d) in
which case Equal Access expenses
hall be assigned to the Equal Access
element.

54 FR 11718, Mar. 22, 1989]

69.411 Other expenses.

Except as provided §§ 69.412, 69.413,
nd 69.414, expenses that are not ap-
ortioned pursuant to §§ 69.401
rough 69.410 shall be apportioned
mong the interexchange category
nd all access elements in the same
anner as § 69.309 Other investment.

69.412 Non participating company payments/receipts.

For telephone companies that are
ot association Common Line tariff
articipants, the payment or receipt of
nds described in § 69.612(a) and (b)
all be apportioned, respectively, as
addition to or a deduction from
eir common line revenue require-
ent.

9.413 Universal service fund expenses.

Expenses allocated to the interstate
risdiction pursuant to §§ 36.631 and
641 shall be assigned to the Carrier
mmon Line Element until March
1989. Beginning April 1, 1989, such
penses shall be assigned to the Uni-
rsal Service Fund Element.

.414 Lifeline assistance expenses.

xpenses allocated to the interstate
isdiction pursuant to § 36.741 shall
assigned to the Carrier Common
e element until March 31, 1989. Be-
ning April 1, 1989, such expenses
ll be assigned to the Lifeline Assist-
e element.

bpart F—Segregation of Common ne Element Revenue Requirement

.501 General.

) Any portion of the Common Line
nent annual revenue requirement that is attributable to long term support or transitional support shall be assigned to the Carrier Common Line element.

(b) Any portion of the Common Line element annual revenue requirement that is attributable to CPE investment or expense or surrogate CPE investment or expense shall be assigned to the Carrier Common Line element or elements.

(c) Any portion of the Common Line element annual revenue requirement that is attributable to customer premises wiring included in IOT investment or expense shall be assigned to the Carrier Common Line element or elements.

(d) Any portion of the Common Line element revenue requirement that is attributable to public telephone investment or expense shall be assigned to the Carrier Common Line element or elements.

(e) Any portion of the Common Line element revenue requirement that is not assigned to Carrier Common Line elements pursuant to paragraphs (a), (b), (c) and (d) of this section shall be apportioned between End User Common Line and Carrier Common Line pursuant to § 69.502. Such portion of the Common Line element annual revenue requirement shall be described as the base factor portion for purposes of this subpart.

[48 FR 10358, Mar. 11, 1983, as amended at 50 FR 18262, Apr. 30, 1985; 52 FR 21542, June 8, 1987; 52 FR 37314, Oct. 6, 1987]

§ 69.502 Base factor allocation.

The projected revenues from the End User Common Line charges and Special Access surcharges shall be deducted from the base factor portion to determine the amount that is assigned to the Carrier Common Line element. End User Common Line charges that are waived pursuant to § 69.104 (j) and (k) shall be included in projected End User Common Line revenues for purposes of this computation.

[52 FR 21542, June 8, 1987]

Subpart G—Exchange Carrier Association

§ 69.601 Exchange carrier association.

(a) An association shall be established in order to prepare and file access charge tariffs on behalf of all telephone companies that do not file separate tariffs or concur in a joint access tariff of another telephone company for all access elements.

(b) All telephone companies that participate in the distribution of Carrier Common Line revenue requirement, pay long term support to association Common Line tariff participants, or receive payments from the transitional support fund administered by the association shall be deemed to be members of the association.

[48 FR 10358, Mar. 11, 1983, as amended at 52 FR 21542, June 8, 1987]

§ 69.602 Board of directors.

(a) For purposes of this section, the association membership shall be divided into three subsets:

(1) The first subset shall consist of all the Bell System Operating Companies other than Cincinnati Bell Inc. and Southern New England Telephone Company;

(2) The second subset shall consist of all other telephone companies with annual operating revenues in excess of forty million dollars;

(3) The third subset shall consist of all other telephone companies.

All commonly controlled companies shall be deemed to be one company for purposes of this section.

(b) There shall be fifteen directors of the association.

(c) In 1989 and thereafter, three directors shall represent the first subset, three directors shall represent the second subset, and nine directors shall represent the third subset.

(d) Each subset shall select the directors who will represent it through an annual election in which each member of the subset shall be entitled to vote for the number of directors that will represent such members subset.

(e) For each access element or group of access elements for which voluntary pooling is permitted, there shall be a committee composed only of directors from companies participating in the pooling for that element or group of access elements. Each such committee shall be responsible for the preparation of charges for the associated access elements that comply with all applicable sections of this part.

(f) Directors shall serve for a term of one year commencing January 1 and concluding on December 31 of each year.

[48 FR 31858, July 12, 1983, as amended at 54 FR 23213, May 31, 1989]

§ 69.603 Association functions.

(a) The Association shall not engage in any activity that is not related to the preparation of access charge tariffs or the collection and distribution of access charge revenues or the operation of a billing and collection pool on an untariffed basis unless such activity is expressly authorized by order of the Commission.

(b) Participation in Commission or court proceedings relating to access charge tariffs, the billing and collection of access charges, the distribution of access charge revenues, or the operation of a billing and collection pool on an untariffed basis shall be deemed to be authorized association activities.

(c) The association shall administer the Universal Service charge, including the direct billing to and collection of associated revenues on a monthly basis from interexchange carriers pursuant to § 60.116 and the distribution of these revenues to qualified telephone companies based on their share of expenses assigned to the Universal Service Factor portion of the interstate allocation pursuant to § 36.631.

(d) The association shall administer the Lifeline Assistance charge, including the direct billing to and collection of associated revenues on a monthly basis from interexchange carriers pursuant to § 69.117, and the distribution of these revenues to qualified telephone companies based on their share of expenses assigned to the Lifeline Assistance Fund pursuant to § 36.741 and of End User Common Line charges associated with the operation of § 69.104(j)-(l).

(e) The association shall annually
ompute, in accordance with §§ 69.105
nd 69.612, the mandatory Long Term
upport payment of telephone compa-
ies that are not association Common
ine tariff participants, bill and collect
ne appropriate amounts on a month-
basis from such telephone compa-
ies, and distribute Long Term Sup-
ort revenue among association Carri-
Common Line tariff participants.

(f) The association shall annually
mpute, in accordance with § 69.612,
e Transitional Support requirement
Level I and Level II Company Re-
ivers, bill and collect the appropriate
nounts on a monthly basis from
evel I and Level II Contributors, and
stribute the Transitional Support re-
irement among Level I and Level II
eceivers.

g) The association shall also pre-
re and file an access charge tariff
ntaining terms and conditions for
cess service and form for the filing
rate schedules by telephone compa-
s that choose to reference these
ms and conditions while filing their
n access rates.

h) The association shall divide the
enses of its operations into two cat-
ries. The first category ("Category
xpenses") shall consist of those ex-
ses that are associated with the
paration, defense, and modification
association tariffs, those expenses
t are associated with the adminis-
ion of pooled receipts and distribu-
s of exchange carrier revenues re-
ing from association tariffs, those
enses that are associated with asso-
ion functions pursuant to § 69.603
(g), and those expenses that per-
to Commission proceedings in-
ing Subpart G of Part 69 of the
mission's rules. The second cate-
("Category II Expenses") shall
ist of all other association ex-
es. Category I Expenses shall be
divided into three components in
ortion to the revenues associated
each component. The first com-
nt ("Category I.A Expenses")
be in proportion to the Universal
ice Fund and Lifeline Assistance
nues. The second component
tegory I.B Expenses") shall be in
ortion to the sum of the associa-
End User Common Line revenues, the association Carrier Common Line revenues, the association Special Access Surcharge revenues, the Long Term Support payments and the Transitional Support payments. The third component ("Category I.C Expenses") shall be in proportion to the revenues from all other association interstate access charges.

(i)(1) The revenue requirement for association tariffs filed pursuant to § 69.4(c) shall not include any association expenses other than Category I.A Expenses.

(2) The revenue requirement for association tariffs filed pursuant to § 69.4 (a) and (b)(2) shall not include any Association expenses other than Category I.B Expenses.

(3) The revenue requirement for association tariffs filed pursuant to § 69.4(b) (1) and (3)-(7) shall not include any association expenses other than Category I.C Expenses.

(4) No distribution to an exchange carrier of Universal Service Fund and Lifeline Assistance revenues shall include adjustments for association expenses other than Category I.A Expenses.

(5) No distribution to an exchange carrier of revenues from association End User Common Line or Carrier Common Line charges, Special Access Surcharges or Long Term Support or Transitional Support payments shall include adjustments for association expenses other than Category I.B Expenses.

(6) No distribution to an exchange carrier of revenues from association interstate access charges other than End User Common Line and Carrier Common Line charges and Special Access Surcharges shall include adjustments for association expenses other than Category I.C Expenses.

(7) The association shall separately identify all Category I.A, I.B and I.C expenses in cost support materials filed with each annual association access tariff filing.

[54 FR 8197, Feb. 27, 1989, as amended at 54 FR 8199, Feb. 27, 1989]

§ 69.604 Billing and collection of access charges.

(a) Telephone companies shall bill and collect all access charges except those charges specified in §§ 69.116 and 69.117.

(b) All access charges shall be billed monthly.

[51 FR 9012, Mar. 17, 1986, as amended at 52 FR 21543, June 8, 1987]

§ 69.605 Reporting and distribution of pool access revenues.

(a) Access revenues and cost data shall be reported by participants in association tariffs to the association for computation of monthly pool revenues distributions in accordance with this subpart.

(b) Association expenses incurred during the month that are allowable access charge expenses shall be reimbursed before any other funds are disbursed.

(c) Except as provided in paragraph (b) of this section, payments to average schedule companies that are computed in accordance with § 69.606 shall be disbursed before any other funds are disbursed. For purposes of this part, a telephone company that was participating in average schedule settlements on December 1, 1982, shall be deemed to be an average schedule company except that any company that does not join in association tariffs for all access elements shall not be deemed to be an average schedule company.

(d) The residue shall be disbursed to telephone companies that are not average schedule companies in accordance with §§ 69.607 through 69.610.

[48 FR 10358, Mar. 11, 1983, as amended at 51 FR 17027, May 8, 1986; 52 FR 21543, June 8, 1987; 54 FR 11537, Mar. 21, 1989]

§ 69.606 Computation of average schedule company payments.

(a) Payments shall be made in accordance with a formula approved or modified by the Commission. Such formula shall be designed to produce disbursements to an average schedule company that simulate the disbursements that would be received pursuant to § 69.607 by a company that is representative of average schedule companies.

(b) The association shall submit a proposed revision of the formula for each annual period subsequent to December 31, 1986, or certify that a majority of the directors of the association believe that no revisions are warranted for such period on or before December 31 of the preceding year.

(47 U.S.C. 154 (i) and (j), 201, 202, 203, 205, 218 and 403 and 5 U.S.C. 553)

[48 FR 10358, Mar. 11, 1983, as amended at 50 FR 41356, Oct. 10, 1985; 55 FR 6990, Feb. 28, 1990]

§ 69.607 Disbursement of Carrier Common Line residue.

(a) The association shall compute a monthly net balance for each member telephone company that is not an average schedule company. If such a company has a negative net balance, the association shall bill that amount to such company. If such a company has a positive net balance, the association shall disburse that amount to such company.

(b) The net balance for such a company shall be computed by multiplying a hypothetical net balance for such a company by a factor that is computed by dividing the Carrier Common Line residue by the sum of the hypothetical net balances for such companies.

(c) The hypothetical net balance for each company shall be the sum of the hypothetical net balances for each access element. Such hypothetical net balances shall be computed in accordance with §§ 69.608 to 69.610.

[48 FR 10358, Mar. 11, 1983, as amended at 51 FR 42237, Nov. 24, 1986]

§ 69.608 Carrier Common Line hypothetical net balance.

The hypothetical net balance shall be equal to a Carrier Common Line revenue requirement for each such company that is computed in accordance with Subpart F of this part.

§ 69.609 End User Common Line hypothetical net balances.

(a) If the company does not participate in the association tariff for such element, the hypothetical net balance shall be zero.

(b) If the company does participate in the association tariff for such element, the hypothetical net balance shall be computed by multiplying an amount that is computed by deducting access revenues collected by such company for such element from an End User Common Line revenue requirement for such company that is computed in accordance with Subpart F of this part by a factor that is computed by dividing access revenues collected by all such companies for such element by an End User Common Line revenue requirement for all such companies that is computed in accordance with Subpart F of this part.

§ 69.610 Other hypothetical net balances.

(a) The hypothetical net balance for an access element other than a Common Line element shall be computed as provided in this section.

(b) If the company does not participate in the association tariff for such element, the hypothetical net balance shall be zero.

(c) If the company does participate in the association tariff for such element, the hypothetical net balance shall be computed by deducting access revenues collected for such element from the sum of expense attributable to such element and the element residue apportioned to such company. The element residue shall be apportioned among such companies in the same proportions as the net investment attributable to such element.

(d) The element residue shall be computed by deducting expenses of all participating companies attributable to such element from revenues collected by all participating companies for such element.

[48 FR 10358, Mar. 11, 1983, as amended at 51 FR 42237, Nov. 24, 1986]

§ 69.611 Effect of optional alternative carrier common line tariff provisions and end user common line surcharges.

(a) The existence or potential existence of Optional Alternative tariff provisions filed pursuant to § 69.204 shall not affect the computation of association charges for any access element.

(b) End User Common Line surcharge revenues shall not be included in End User Common Line revenues for purposes of computing pool distributions.

(c) The Carrier Common Line residue that is computed pursuant to § 69.605 shall be increased by adding an amount that is computed by subtracting the Carrier Common Line revenues attributable to study areas with Alternative Carrier Common Line tariff provisions from the projected Carrier Common Line revenues for such study areas that would have been received at the association Carrier Common Line rate.

(d) The Carrier Common Line residue distribution that is computed pursuant to § 69.607 shall be reduced for a company that has effective Alternative Carrier Common Line tariff provisions by subtracting an amount that is computed by subtracting the Carrier Common Line revenues attributable to such company's study area of areas with Alternative Carrier Common Line tariff provisions from the projected Carrier Common Line revenues for such study area or areas that would have been received at the association Carrier Common Line rate.

[50 FR 945, Jan. 8, 1985]

§ 69.612 Long term and transitional support.

A telephone company that does not participate in the association Common Line tariff shall have computed by the association:

(a) *Long term support obligation.* (1) For the period from April 1, 1989 through June 30, 1994, the Long Term Support payment obligation shall be funded by all telephone companies that are not association Common Line tariff participants and do not receive transitional support pursuant to § 69.612(b).

(2) Beginning July 1, 1994 and thereafter, the Long Term Support payment obligation shall be funded by each telephone company that files its own Carrier Common Line tariff and does not receive transitional support.

(b) *Transitional support.* (1) Telephone Companies categorized as Level I and Level II Receivers that file their own Common Line tariffs effective April 1, 1989 shall receive Transitional Support for a four year period commencing April 1, 1989. Level II Receivers that file their own Common Line tariffs effective July 1, 1990 shall receive Transitional Support for a four year period commencing July 1, 1990. Transitional Support for each of these telephone companies shall be computed on the basis of the net revenues less revenue requirement amounts for 1988 (adjusted for the additional revenues resulting from an increase in End User Common Line charges to $3.50). Transitional Support for these telephone companies during the transition shall be as follows:

Year 1—80% of the adjusted 1988 frozen amount
Year 2—60% of the adjusted 1988 frozen amount
Year 3—40% of the adjusted 1988 frozen amount
Year 4—20% of the adjusted 1988 frozen amount

(2) For the period from April 1, 1989 through June 30, 1994, the Transitional Support Fund shall be funded by all telephone companies or groups of affiliated telephone companies that are not association Common Line tariff participants and do not qualify under § 69.612(b)(1) for Transitional Support payments.

[55 FR 6990, Feb. 28, 1990]

FINDING AIDS

A list of CFR titles, subtitles, chapters, subchapters and parts and an alphabetical list of agencies publishing in the CFR are included in the CFR Index and Finding Aids volume to the Code of Federal Regulations which is published separately and revised annually.

Table of CFR Titles and Chapters
Alphabetical List of Agencies Appearing in the CFR
Table of OMB Control Numbers
List of CFR Sections Affected

Table of CFR Titles and Chapters

(Revised as of September 14, 1990)

Title 1—General Provisions

I Administrative Committee of the Federal Register (Parts 1—49)

II Office of the Federal Register (Parts 50—299)

III Administrative Conference of the United States (Parts 300—399)

IV Miscellaneous Agencies (Parts 400—500)

Title 2—[Reserved]

Title 3—The President

I Executive Office of the President (Parts 100—199)

Title 4—Accounts

I General Accounting Office (Parts 1—99)

II Federal Claims Collection Standards (General Accounting Office—Department of Justice) (Parts 100—299)

III General Accounting Office (CASB) (Parts 300—499)

Title 5—Administrative Personnel

I Office of Personnel Management (Parts 1—1199)

II Merit Systems Protection Board (Parts 1200—1299)

III Office of Management and Budget (Parts 1300—1399)

IV Advisory Committee on Federal Pay (Parts 1400—1499)

V The International Organizations Employees Loyalty Board (Parts 1500—1599)

VI Federal Retirement Thrift Investment Board (Parts 1600—1699)

VII Advisory Commission on Intergovernmental Relations (Parts 1700—1799)

VIII Office of Special Council (Parts 1800—1899)

IX Appalachian Regional Commission (Parts 1900—1999)

XI United States Soldiers' and Airmen's Home (Parts 2100—2199)

XIV Federal Labor Relations Authority, General Counsel of the Federal Labor Relations Authority and Federal Service Impasses Panel (Parts 2400—2499)

Title 5—Administrative Personnel—Continued

Chap.	
XV	Office of Administration, Executive Office of the President (Parts 2500—2599)
XVI	Office of Government Ethics (Parts 2600—2699)

Title 6—[Reserved]

Title 7—Agriculture

	SUBTITLE A—Office of the Secretary of Agriculture (Parts 0—26)
	SUBTITLE B—Regulations of the Department of Agriculture
I	Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture (Parts 27—209)
II	Food and Nutrition Service, Department of Agriculture (Parts 210—299)
III	Animal and Plant Health Inspection Service, Department of Agriculture (Parts 300—399)
IV	Federal Crop Insurance Corporation, Department of Agriculture (Parts 400—499)
V	Agricultural Research Service, Department of Agriculture (Parts 500—599)
VI	Soil Conservation Service, Department of Agriculture (Parts 600—699)
VII	Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture (Parts 700—799)
VIII	Federal Grain Inspection Service, Department of Agriculture (Parts 800—899)
IX	Agricultural Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture (Parts 900—999)
X	Agricultural Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture (Parts 1000—1199)
XI	Agricultural Marketing Service (Marketing Agreements and Orders; Miscellaneous Commodities), Department of Agriculture (Parts 1200—1299)
XIV	Commodity Credit Corporation, Department of Agriculture (Parts 1400—1499)
XV	Foreign Agricultural Service, Department of Agriculture (Parts 1500—1599)
XVI	Rural Telephone Bank, Department of Agriculture (Parts 1600—1699)
XVII	Rural Electrification Administration, Department of Agriculture (Parts 1700—1799)
XVIII	Farmers Home Administration, Department of Agriculture (Parts 1800—2099)
XXI	Foreign Economic Development Service, Department of Agriculture (Parts 2100—2199)
XXII	Office of International Cooperation and Development, Department of Agriculture (Parts 2200—2299)

Title 7—Agriculture—Continued

Chap.	
XXIV	Board of Contract Appeals, Department of Agriculture (Parts 2400—2499)
XXV	Office of the General Sales Manager, Department of Agriculture (Parts 2500—2599)
XXVI	Office of Inspector General, Department of Agriculture (Parts 2600—2699)
XXVII	Office of Information Resources Management, Department of Agriculture (Parts 2700—2799)
XXVIII	Office of Operations, Department of Agriculture (Parts 2800—2899)
XXIX	Office of Energy, Department of Agriculture (Parts 2900—2999)
XXX	Office of Finance and Management, Department of Agriculture (Parts 3000—3099)
XXXI	Office of Environmental Quality, Department of Agriculture (Parts 3100—3199)
XXXII	Office of Grants and Program Systems, Department of Agriculture (Parts 3200—3299)
XXXIII	Office of Transportation, Department of Agriculture (Parts 3300—3399)
XXXIV	Cooperative State Research Service, Department of Agriculture (Parts 3400—3499)
XXXVI	National Agricultural Statistics Service, Department of Agriculture (Parts 3600—3699)
XXXVII	Economic Research Service, Department of Agriculture (Parts 3700—3799)
XXXVIII	World Agricultural Outlook Board, Department of Agriculture (Parts 3800—3899)
XXXIX	Economic Analysis Staff, Department of Agriculture (Parts 3900—3999)
XL	Economics Management Staff, Department of Agriculture (Parts 4000—4099)
XLI	National Agricultural Library, Department of Agriculture (Part 4100)

Title 8—Aliens and Nationality

I	Immigration and Naturalization Service, Department of Justice (Parts 1—499)

Title 9—Animals and Animal Products

I	Animal and Plant Health Inspection Service, Department of Agriculture (Parts 1—199)
II	Packers and Stockyards Administration, Department of Agriculture (Parts 200—299)
III	Food Safety and Inspection Service, Meat and Poultry Inspection, Department of Agriculture (Parts 300—399)

Title 10—Energy

Chap.	
I	Nuclear Regulatory Commission (Parts 0—199)
II	Department of Energy (Parts 200—699)
III	Department of Energy (Parts 700—999)
X	Department of Energy (General Provisions) (Parts 1000—1099)
XV	Office of the Federal Inspector for the Alaska Natural Gas Transportation System (Parts 1500—1599)

Title 11—Federal Elections

I	Federal Election Commission (Parts 1—9099)

Title 12—Banks and Banking

I	Comptroller of the Currency, Department of the Treasury (Parts 1—199)
II	Federal Reserve System (Parts 200—299)
III	Federal Deposit Insurance Corporation (Parts 300—399)
IV	Export-Import Bank of the United States (Parts 400—499)
V	Office of Thrift Supervision, Department of the Treasury (Parts 500—599)
VI	Farm Credit Administration (Parts 600—699)
VII	National Credit Union Administration (Parts 700—799)
VIII	Federal Financing Bank (Parts 800—899)
IX	Federal Housing Finance Board (Parts 900—999)
XI	Federal Financial Institutions Examination Council (Parts 1100—1199)
XIII	Farm Credit System Assistance Board (Parts 1300—1399)
XIV	Farm Credit System Insurance Corporation
XV	Oversight Board (Parts 1500—1599)
XVI	Resolution Trust Corporation (Parts 1600—1699)

Title 13—Business Credit and Assistance

I	Small Business Administration (Parts 1—199)
III	Economic Development Administration, Department of Commerce (Parts 300—399)

Title 14—Aeronautics and Space

I	Federal Aviation Administration, Department of Transportation (Parts 1—199)
II	Office of the Secretary, Department of Transportation (Aviation Proceedings) (Parts 200—399)
III	Office of Commercial Space Transportation, Department of Transportation (Parts 400—499)
V	National Aeronautics and Space Administration (Parts 1200—1299)

Title 15—Commerce and Foreign Trade

Chap.	
	SUBTITLE A—Office of the Secretary of Commerce (Parts 0—29)
	SUBTITLE B—Regulations Relating to Commerce and Foreign Trade
I	Bureau of the Census, Department of Commerce (Parts 30—199)
II	National Institute of Standards and Technology, Department of Commerce (Parts 200—299)
III	International Trade Administration, Department of Commerce (Parts 300—399)
IV	Foreign-Trade Zones Board (Parts 400—499)
VII	Bureau of Export Administration, Department of Commerce (Parts 700—799)
VIII	Bureau of Economic Analysis, Department of Commerce (Parts 800—899)
IX	National Oceanic and Atmospheric Administration, Department of Commerce (Parts 900—999)
XI	Technology Administration, Department of Commerce (Parts 1100—1199)
XII	United States Travel Service, Department of Commerce (Parts 1200—1299)
XIII	East-West Foreign Trade Board (Parts 1300—1399)
XIV	Minority Business Development Agency (Parts 1400—1499)
	SUBTITLE C—Regulations Relating to Foreign Trade Agreements
XX	Office of the United States Trade Representative (Parts 2000—2099)
	SUBTITLE D—Regulations Relating to Telecommunications and Information
XXIII	National Telecommunications and Information Administration, Department of Commerce (Parts 2300—2399)

Title 16—Commercial Practices

I	Federal Trade Commission (Parts 0—999)
II	Consumer Product Safety Commission (Parts 1000—1799)

Title 17—Commodity and Securities Exchanges

I	Commodity Futures Trading Commission (Parts 1—199)
II	Securities and Exchange Commission (Parts 200—399)
IV	Department of the Treasury (Parts 400—499)

Title 18—Conservation of Power and Water Resources

I	Federal Energy Regulatory Commission, Department of Energy (Parts 1—399)
III	Delaware River Basin Commission (Parts 400—499)
VI	Water Resources Council (Parts 700—799)
VIII	Susquehanna River Basin Commission (Parts 800—899)

Title 18—Conservation of Power and Water Resources—Continued

Chap.	
XIII	Tennessee Valley Authority (Parts 1300—1399)

Title 19—Customs Duties

I	United States Customs Service, Department of the Treasury (Parts 1—199)
II	United States International Trade Commission (Parts 200—299)
III	International Trade Administration, Department of Commerce (Parts 300—399)

Title 20—Employees' Benefits

I	Office of Workers' Compensation Programs, Department of Labor (Parts 1—199)
II	Railroad Retirement Board (Parts 200—399)
III	Social Security Administration, Department of Health and Human Services (Parts 400—499)
IV	Employees' Compensation Appeals Board, Department of Labor (Parts 500—599)
V	Employment and Training Administration, Department of Labor (Parts 600—699)
VI	Employment Standards Administration, Department of Labor (Parts 700—799)
VII	Benefits Review Board, Department of Labor (Parts 800—899)
VIII	Joint Board for the Enrollment of Actuaries (Parts 900—999)
IX	Office of the Assistant Secretary for Veterans' Employment and Training, Department of Labor (Parts 1000—1099)

Title 21—Food and Drugs

I	Food and Drug Administration, Department of Health and Human Services (Parts 1—1299)
II	Drug Enforcement Administration, Department of Justice (Parts 1300—1399)

Title 22—Foreign Relations

I	Department of State (Parts 1—199)
II	Agency for International Development, International Development Cooperation Agency (Parts 200—299)
III	Peace Corps (Parts 300—399)
IV	International Joint Commission, United States and Canada (Parts 400—499)
V	United States Information Agency (Parts 500—599)
VI	United States Arms Control and Disarmament Agency (Parts 600—699)
VII	Overseas Private Investment Corporation, International Development Cooperation Agency (Parts 700—799)
IX	Foreign Service Grievance Board Regulations (Parts 900—999)
X	Inter-American Foundation (Parts 1000—1099)

Title 22—Foreign Relations—Continued

Chap.	
XI	International Boundary and Water Commission, United States and Mexico, United States Section (Parts 1100—1199)
XII	United States International Development Cooperation Agency (Parts 1200—1299)
XIII	Board for International Broadcasting (Parts 1300—1399)
XIV	Foreign Service Labor Relations Board; Federal Labor Relations Authority; General Counsel of the Federal Labor Relations Authority; and the Foreign Service Impasse Disputes Panel (Parts 1400—1499)
XV	African Development Foundation (Parts 1500—1599)
XVI	Japan-United States Friendship Commission (Parts 1600—1699)

Title 23—Highways

I	Federal Highway Administration, Department of Transportation (Parts 1—999)
II	National Highway Traffic Safety Administration and Federal Highway Administration, Department of Transportation (Parts 1200—1299)
III	National Highway Traffic Safety Administration, Department of Transportation (Parts 1300—1399)

Title 24—Housing and Urban Development

	SUBTITLE A—Office of the Secretary, Department of Housing and Urban Development (Parts 0—99)
	SUBTITLE B—Regulations Relating to Housing and Urban Development
I	Office of Assistant Secretary for Equal Opportunity, Department of Housing and Urban Development (Parts 100—199)
II	Office of Assistant Secretary for Housing-Federal Housing Commissioner, Department of Housing and Urban Development (Parts 200—299)
III	Government National Mortgage Association, Department of Housing and Urban Development (Parts 300—399)
V	Office of Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development (Parts 500—599)
VI	Office of Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development (Parts 600—699)
VII	Office of the Secretary, Department of Housing and Urban Development (Section 8 Housing Assistance Programs and Public and Indian Housing Programs) (Parts 700—799)
VIII	Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (Section 8 Housing Assistance Programs and Section 202 Direct Loan Program) (Parts 800—899)
IX	Office of Assistant Secretary for Public and Indian Housing, Department of Housing and Urban Development (Parts 900—999)

Chap.	
X	Office of Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (Interstate Land Sales Registration Program) (Parts 1700—1799)
XI	Solar Energy and Energy Conservation Bank, Department of Housing and Urban Development (Parts 1800—1899)
XII	Office of Inspector General, Department of Housing and Urban Development (Parts 2000—2099)
XV	Mortgage Insurance and Loan Programs under the Emergency Homeowners' Relief Act, Department of Housing and Urban Development (Parts 2700—2799)
XX	Office of Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (Parts 3200—3699)
XXV	Neighborhood Reinvestment Corporation (Parts 4100—4199)

Title 25—Indians

I	Bureau of Indian Affairs, Department of the Interior (Parts 1—299)
II	Indian Arts and Crafts Board, Department of the Interior (Parts 300—399)
IV	Navajo and Hopi Indian Relocation Commission (Parts 700—799)

Title 26—Internal Revenue

I	Internal Revenue Service, Department of the Treasury (Parts 1—699)

Title 27—Alcohol, Tobacco Products and Firearms

I	Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury (Parts 1—299)

Title 28—Judicial Administration

I	Department of Justice (Parts 0—199)
III	Federal Prison Industries, Inc., Department of Justice (Parts 300—399)
V	Bureau of Prisons, Department of Justice (Parts 500—599)
VI	Offices of Independent Counsel, Department of Justice (Parts 600—699)
VII	Office of Independent Counsel (Parts 700—799)

Title 29—Labor

	SUBTITLE A—Office of the Secretary of Labor (Parts 0—99)
	SUBTITLE B—Regulations Relating to Labor
I	National Labor Relations Board (Parts 100—199)

Title 29—Labor—Continued

Chap.	
II	Bureau of Labor-Management Relations and Cooperative Programs, Department of Labor (Parts 200—299)
III	National Railroad Adjustment Board (Parts 300—399)
IV	Office of Labor-Management Standards, Department of Labor (Parts 400—499)
V	Wage and Hour Division, Department of Labor (Parts 500—899)
IX	Construction Industry Collective Bargaining Commission (Parts 900—999)
X	National Mediation Board (Parts 1200-1299)
XII	Federal Mediation and Conciliation Service (Parts 1400-1499)
XIV	Equal Employment Opportunity Commission (Parts 1600-1699)
XVII	Occupational Safety and Health Administration, Department of Labor (Parts 1900—1999)
XX	Occupational Safety and Health Review Commission (Parts 2200—2499)
XXV	Pension and Welfare Benefits Administration, Department of Labor (Parts 2500—2599)
XXVI	Pension Benefit Guaranty Corporation (Parts 2600—2699)
XXVII	Federal Mine Safety and Health Review Commission (Parts 2700—2799)

Title 30—Mineral Resources

I	Mine Safety and Health Administration, Department of Labor (Parts 1—199)
II	Minerals Management Service, Department of the Interior (Parts 200—299)
III	Board of Surface Mining and Reclamation Appeals, Department of the Interior (Parts 300—399)
IV	Geological Survey, Department of the Interior (Parts 400—499)
VI	Bureau of Mines, Department of the Interior (Parts 600—699)
VII	Office of Surface Mining Reclamation and Enforcement, Department of the Interior (Parts 700—999)

Title 31—Money and Finance: Treasury

SUBTITLE A—Office of the Secretary of the Treasury (Parts 0—50)

SUBTITLE B—Regulations Relating to Money and Finance

I	Monetary Offices, Department of the Treasury (Parts 51—199)
II	Fiscal Service, Department of the Treasury (Parts 200—399)
IV	Secret Service, Department of the Treasury (Parts 400—499)
V	Office of Foreign Assets Control, Department of the Treasury (Parts 500—599)
VI	Bureau of Engraving and Printing, Department of the Treasury (Parts 600—699)
VII	Federal Law Enforcement Training Center, Department of the Treasury (Parts 700—799)

Title 32—National Defense

Chap.	
	SUBTITLE A—Department of Defense
I	Office of the Secretary of Defense (Parts 1—399)
V	Department of the Army (Parts 400—699)
VI	Department of the Navy (Parts 700—799)
VII	Department of the Air Force (Parts 800—1099)
	SUBTITLE B—Other Regulations Relating to National Defense
XII	Defense Logistics Agency (Parts 1200-1299)
XVI	Selective Service System (Parts 1600-1699)
XIX	Central Intelligence Agency (Parts 1900—1999)
XX	Information Security Oversight Office (Parts 2000—2099)
XXI	National Security Council (Parts 2100—2199)
XXIV	Office of Science and Technology Policy (Parts 2400—2499)
XXVII	Office for Micronesian Status Negotiations (Parts 2700—2799)
XXVIII	Office of the Vice President of the United States (Parts 2800—2899)

Title 33—Navigation and Navigable Waters

I	Coast Guard, Department of Transportation (Parts 1—199)
II	Corps of Engineers, Department of the Army (Parts 200—399)
IV	Saint Lawrence Seaway Development Corporation, Department of Transportation (Parts 400—499)

Title 34—Education

	SUBTITLE A—Office of the Secretary, Department of Education (Parts 1—99)
	SUBTITLE B—Regulations of the Offices of the Department of Education
I	Office for Civil Rights, Department of Education (Parts 100—199)
II	Office of Elementary and Secondary Education, Department of Education (Parts 200—299)
III	Office of Special Education and Rehabilitative Services, Department of Education (Parts 300—399)
IV	Office of Vocational and Adult Education, Department of Education (Parts 400—499)
V	Office of Bilingual Education and Minority Languages Affairs, Department of Education (Parts 500—599)
VI	Office of Postsecondary Education, Department of Education (Parts 600—699)
VII	Office of Educational Research and Improvement, Department of Education (Parts 700—799)

Title 35—Panama Canal

Chap.

I Panama Canal Regulations (Parts 1—299)

Title 36—Parks, Forests, and Public Property

I National Park Service, Department of the Interior (Parts 1—199)

II Forest Service, Department of Agriculture (Parts 200—299)

III Corps of Engineers, Department of the Army (Parts 300—399)

IV American Battle Monuments Commission (Parts 400—499)

V Smithsonian Institution (Parts 500—599)

VII Library of Congress (Parts 700—799)

VIII Advisory Council on Historic Preservation (Parts 800—899)

IX Pennsylvania Avenue Development Corporation (Parts 900-999)

XI Architectural and Transportation Barriers Compliance Board (Parts 1100—1199)

XII National Archives and Records Administration (Parts 1200—1299)

Title 37—Patents, Trademarks, and Copyrights

I Patent and Trademark Office, Department of Commerce (Parts 1—199)

II Copyright Office, Library of Congress (Parts 200—299)

III Copyright Royalty Tribunal (Parts 300--399)

IV Assistant Secretary for Productivity, Technology and Innovation, Department of Commerce (Parts 400-499)

V Under Secretary for Economic Affairs, Department of Commerce (500—599)

Title 38—Pensions, Bonuses, and Veterans' Relief

I Department of Veterans Affairs (Parts 0—99)

Title 39—Postal Service

I United States Postal Service (Parts 1—999)

III Postal Rate Commission (Parts 3000—3099)

Title 40—Protection of Environment

I Environmental Protection Agency (Parts 1--799)

V Council on Environmental Quality (Parts 1500-1599)

Title 41—Public Contracts and Property Management

SUBTITLE B—Other Provisions Relating to Public Contracts

50 Public Contracts, Department of Labor (Parts 50-1—50-999)

51 Committee for Purchase from the Blind and Other Severely Handicapped (Parts 51-1—51-99)

Title 41—Public Contracts and Property Management—Continued

Chap.	
60	Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Parts 60-1—60-999)
61	Office of the Assistant Secretary for Veterans Employment and Training, Department of Labor (Parts 61-1—61-999)
	SUBTITLE C—Federal Property Management Regulations System
101	Federal Property Management Regulations (Parts 101-1—101-99)
105	General Services Administration (Parts 105-1—105-999)
109	Department of Energy Property Management Regulations (Parts 109-1—109-99)
114	Department of the Interior (Parts 114-1—114-99)
115	Environmental Protection Agency (Parts 115-1—115-99)
128	Department of Justice (Parts 128-1—128-99)
	SUBTITLE D—Other Provisions Relating to Property Management (Reserved)
	SUBTITLE E—Federal Information Resources Management Regulations System
201	Federal Information Resources Management Regulation (Parts 201-1—201-99)
	SUBTITLE F—Federal Travel Regulation System
301	Travel Allowances (Parts 301-1—301-14)
302	Relocation Allowances (Parts 302-1—302-12)
303	Payment of Expenses Connected with the Death of Certain Employees (Parts 302-1—302-2)
304	Reductions in Meeting and Training Allowance Payments (Parts 304-1—304-2)

Title 42—Public Health

I	Public Health Service, Department of Health and Human Services (Parts 1—199)
IV	Health Care Financing Administration, Department of Health and Human Services (Parts 400—499)
V	Office of Inspector General-Health Care, Department of Health and Human Services (Parts 1000—1999)

Title 43—Public Lands: Interior

	SUBTITLE A—Office of the Secretary of the Interior (Parts 1—199)
	SUBTITLE B—Regulations Relating to Public Lands
I	Bureau of Reclamation, Department of the Interior (Parts 200—499)
II	Bureau of Land Management, Department of the Interior (Parts 1000—9999)

Title 44—Emergency Management and Assistance

Chap.	
I	Federal Emergency Management Agency (Parts 0—399)
IV	Department of Commerce and Department of Transportation (Parts 400—499)

Title 45—Public Welfare

Chap.	
	SUBTITLE A—Department of Health and Human Services, General Administration (Parts 1—199)
	SUBTITLE B—Regulations Relating to Public Welfare
II	Office of Family Assistance (Assistance Programs), Family Support Administration, Department of Health and Human Services (Parts 200—299)
III	Office of Child Support Enforcement (Child Support Enforcement Program), Family Support Administration, Department of Health and Human Services (Parts 300—399)
IV	Office of Refugee Resettlement, Family Support Administration, Department of Health and Human Services (Parts 400—499)
V	Foreign Claims Settlement Commission of the United States, Department of Justice (Parts 500—599)
VI	National Science Foundation (Parts 600—699)
VII	Commission on Civil Rights (Parts 700—799)
VIII	Office of Personnel Management (Parts 800—899)
X	Office of Community Services, Family Support Administration, Department of Health and Human Services (Parts 1000—1099)
XI	National Foundation on the Arts and the Humanities (Parts 1100—1199)
XII	ACTION (Parts 1200—1299)
XIII	Office of Human Development Services, Department of Health and Human Services (Parts 1300—1399)
XVI	Legal Services Corporation (Parts 1600—1699)
XVII	National Commission on Libraries and Information Science (Parts 1700—1799)
XVIII	Harry S. Truman Scholarship Foundation (Parts 1800—1899)
XX	Commission on the Bicentennial of the United States Constitution (Parts 2000—2099)
XXI	Commission on Fine Arts (Parts 2100—2199)
XXII	Christopher Columbus Quincentenary Jubilee Commission (2200—2299)

Title 46—Shipping

Chap.	
I	Coast Guard, Department of Transportation (Parts 1—199)
II	Maritime Administration, Department of Transportation (Parts 200—399)
III	Coast Guard (Great Lakes Pilotage), Department of Transportation (Parts 400—499)
IV	Federal Maritime Commission (Parts 500—599)

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Title 47—Telecommunication

Chap.	
I	Federal Communications Commission (Parts 0—199)
II	Office of Science and Technology Policy and National Security Council (Parts 200—299)
III	National Telecommunications and Information Administration, Department of Commerce (Parts 300—399)

Title 48—Federal Acquisition Regulations System

1	Federal Acquisition Regulation (Parts 1—99)
2	Department of Defense (Parts 200—299)
3	Department of Health and Human Services (Parts 300—399)
4	Department of Agriculture (Parts 400—499)
5	General Services Administration (Parts 500—599)
6	Department of State (Parts 600—699)
7	Agency for International Development (Parts 700—799)
8	Department of Veterans Affairs (Parts 800—899)
9	Department of Energy (Parts 900—999)
10	Department of the Treasury (Parts 1000—1099)
12	Department of Transportation (Parts 1200—1299)
13	Department of Commerce (Parts 1300—1399)
14	Department of the Interior (Parts 1400—1499)
15	Environmental Protection Agency (Parts 1500—1599)
16	Office of Personnel Management Federal Employees Health Benefits Acquisition Regulation (Parts 1600—1699)
17	Office of Personnel Management (Parts 1700—1799)
18	National Aeronautics and Space Administration (Parts 1800—1899)
19	United States Information Agency (Parts 1900—1999)
22	Small Business Administration (Parts 2200—2299)
24	Department of Housing and Urban Development (Parts 2400—2499)
25	National Science Foundation (Parts 2500—2599)
28	Department of Justice (Parts 2800—2899)
29	Department of Labor (Parts 2900—2999)
34	Department of Education Acquisition Regulation (Parts 3400—3499)
35	Panama Canal Commission (Parts 3500—3599)
44	Federal Emergency Management Agency (Parts 4400—4499)
51	Department of the Army Acquisition Regulations (Parts 5100—5199)
52	Department of the Navy Acquisition Regulations (Parts 5200—5299)
53	Department of the Air Force Federal Acquisition Regulation Supplement (Parts 5300—5399)
57	African Development Foundation (Parts 5700—5799)
61	General Services Administration Board of Contract Appeals (Parts 6100—6199)

Title 48—Federal Acquisition Regulations System—Continued

Chap.

63 Department of Transportation Board of Contract Appeals (Parts 6300-6399)

Title 49—Transportation

Subtitle A—Office of the Secretary of Transportation (Parts 1—99)

Subtitle B—Other Regulations Relating to Transportation

I Research and Special Programs Administration, Department of Transportation (Parts 100—199)

II Federal Railroad Administration, Department of Transportation (Parts 200—299)

III Federal Highway Administration, Department of Transportation (Parts 300—399)

IV Coast Guard, Department of Transportation (Parts 400—499)

V National Highway Traffic Safety Administration, Department of Transportation (Parts 500—599)

VI Urban Mass Transportation Administration, Department of Transportation (Parts 600—699)

VII National Railroad Passenger Corporation (AMTRAK) (Parts 700—799)

VIII National Transportation Safety Board (Parts 800—899)

X Interstate Commerce Commission (Parts 1000—1399)

Title 50—Wildlife and Fisheries

I United States Fish and Wildlife Service, Department of the Interior (Parts 1—199)

II National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce (Parts 200—299)

III International Regulatory Agencies (Fishing and Whaling) (Parts 300—399)

IV Joint Regulations (United States Fish and Wildlife Service, Department of the Interior and National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce); Endangered Species Committee Regulations (Parts 400—499)

V Marine Mammal Commission (Parts 500—599)

VI Fishery Conservation and Management, National Oceanic and Atmospheric Administration, Department of Commerce (Parts 600—699)

CFR Index and Finding Aids

Subject/Agency Index

List of Agency Prepared Indexes

Parallel Tables of Statutory Authorities and Rules

Acts Requiring Publication in the Federal Register

List of CFR Titles, Chapters, Subchapters, and Parts

Alphabetical List of Agencies Appearing in the CFR

(Revised as of September 14, 1990)

Agency	CFR Title, Subtitle or Chapter
ACTION	45, XII
Administrative Committee of the Federal Register	1, I
Administrative Conference of the United States	1, III
Advisory Commission on Intergovernmental Relations	5, VII
Advisory Committee on Federal Pay	5, IV
Advisory Council on Historic Preservation	36, VIII
African Development Foundation	22, XV; 48, 57
Agency for International Development	22, II; 48, 7
Agricultural Marketing Service	7, I, IX, X, XI
Agricultural Research Service	7, V
Agricultural Stabilization and Conservation Service	7, VII
Agriculture Department	
Agricultural Marketing Service	7, I, IX, X, XI
Agricultural Research Service	7, V
Agricultural Stabilization and Conservation Service	7, VII
Animal and Plant Health Inspection Service	7, III; 9, I
Commodity Credit Corporation	7, XIV
Contract Appeals, Board of	7, XXIV
Cooperative State Research Service	7, XXXIV
Economic Analysis Staff	7, XXXIX
Economics Management Staff	7, XL
Economic Research Service	7, XXXVII
Energy, Office of	7, XXIX
Environmental Quality, Office of	7, XXXI
Farmers Home Administration	7, XVIII
Federal Acquisition Regulation	48, 4
Federal Crop Insurance Corporation	7, IV
Federal Grain Inspection Service	7, VIII
Finance and Management, Office of	7, XXX
Food and Nutrition Service	7, II
Food Safety and Inspection Service	9, III
Foreign Agricultural Service	7, XV
Foreign Economic Development Service	7, XXI
Forest Service	36, II
General Sales Manager, Office of	7, XXV
Grants and Program Systems, Office of	7, XXXII
Information Resources Management, Office of	7, XXVII
Inspector General, Office of	7, XXVI
International Cooperation and Development Office	7, XXII
National Agricultural Library	7, XLI
National Agricultural Statistics Service	7, XXXVI
Operations Office	7, XXVIII
Packers and Stockyards Administration	9, II
Rural Electrification Administration	7, XVII
Rural Telephone Bank	7, XVI
Secretary of Agriculture, Office of	7, Subtitle A
Soil Conservation Service	7, VI
Transportation, Office of	7, XXXIII
World Agriculture Outlook Board	7, XXXVIII
Air Force Department	32, VII
Federal Acquisition Regulation Supplement	48, 53

Agency	CFR Title, Subtitle or Chapter
Alaska Natural Gas Transportation System, Office of the Federal Inspector	10, XV
Alcohol, Tobacco and Firearms, Bureau of	27, I
AMTRAK	49, VII
American Battle Monuments Commission	36, IV
Animal and Plant Health Inspection Service	7, III; 9, I
Appalachian Regional Commission	5, IX
Architectural and Transportation Barriers Compliance Board	36, XI
Arms Control and Disarmament Agency, U.S.	22, VI
Army Department	32, V
Engineers, Corps of	33, II; 36, III
Federal Acquisition Regulation	48, 51
Benefits Review Board	20, VII
Bicentennial of the United States Constitution, Commission on the	45, XX
Bilingual Education and Minority Languages Affairs, Office of	34, V
Blind and Other Severely Handicapped, Committee for Purchase from	41, 51
Board for International Broadcasting	22, XIII
Budget, Office of Management and	5, III
Census Bureau	15, I
Central Intelligence Agency	32, XIX
Child Support Enforcement, Office of	45, III
Christopher Columbus Quincentenary Jubilee Commission	45, XXII
Civil Rights Commission	45, VII
Civil Rights, Office for (Education Department)	34, I
Claims Collection Standards, Federal	4, II
Coast Guard	33, I; 46, I, III; 49, IV
Commerce Department	44, IV
Census Bureau	15, I
Economic Affairs, Under Secretary	37, V
Economic Analysis, Bureau of	15, VIII
Economic Development Administration	13, III
Endangered Species Committee	50, IV
Export Administration Bureau	15, VII
Federal Acquisition Regulation	48, 13
Fishery Conservation and Management	50, VI
International Trade Administration	15, III; 19, III
National Institute of Standards and Technology	15, II
National Marine Fisheries Service	50, II, IV
National Oceanic and Atmospheric Administration	15, IX; 50, II, III, IV, VI
National Telecommunications and Information Administration	15, XXIII; 47, III
Patent and Trademark Office	37, I
Productivity, Technology and Innovation, Assistant Secretary for	37, IV
Secretary of Commerce, Office of	15, Subtitle A
Technology Administration	15, XI
United States Travel Service	15, XII
Commercial Space Transportation, Office of, Department of Transportation	14, III
Commission on the Bicentennial of the United States Constitution	45, XX
Committee for Purchase from the Blind and Other Severely Handicapped	41, 51
Commodity Credit Corporation	7, XIV
Commodity Futures Trading Commission	17, I
Community Planning and Development, Office of Assistant Secretary for	24, V, VI
Community Services, Office of	45, X
Comptroller of the Currency	12, I
Construction Industry Collective Bargaining Commission	29, IX
Consumer Product Safety Commission	16, II

Agency	CFR Title, Subtitle or Chapter
Contract Appeals, Board of	7, XXIV
Cooperative State Research Service	7, XXXIV
Copyright Office	37, II
Copyright Royalty Tribunal	37, III
Council on Environmental Quality	40, V
Customs Service, United States	19, I
Defense Department	32, Subtitle A
Air Force Department	32, VII
Army Department	32, V; 33, II; 36, III, 48, 51
Engineers, Corps of	33, II; 36, III
Federal Acquisition Regulation	48, 2
Navy Department	32, VI; 48, 52
Secretary of Defense, Office of	32, I
Defense Logistics Agency	32, XII
Delaware River Basin Commission	18, III
Drug Enforcement Administration	21, II
East-West Foreign Trade Board	15, XIII
Economic Affairs, Under Secretary (Commerce)	37, V
Economic Analysis, Bureau of	15, VIII
Economic Analysis Staff, Department of Agriculture	7, XXXIX
Economic Development Administration	13, III
Economics Management Staff	7, XL
Economic Research Service	7, XXXVII
Education, Department of	
Bilingual Education and Minority Languages Affairs, Office of	34, V
Civil Rights, Office for	34, I
Educational Research and Improvement, Office of	34, VII
Elementary and Secondary Education, Office of	34, II
Federal Acquisition Regulation	48, 34
Postsecondary Education, Office of	34, VI
Secretary of Education, Office of	34, Subtitle A
Special Education and Rehabilitative Services, Office of	34, III
Vocational and Adult Education, Office of	34, IV
Educational Research and Improvement, Office of	34, VII
Elementary and Secondary Education, Office of	34, II
Employees' Compensation Appeals Board	20, IV
Employees Loyalty Board, International Organizations	5, V
Employment and Training Administration	20, V
Employment Standards Administration	20, VI
Endangered Species Committee	50, IV
Energy, Department of	10, II, III, X; 41, 109
Federal Acquisition Regulation	48, 9
Federal Energy Regulatory Commission	18, I
Energy, Office of, Department of Agriculture	7, XXIX
Engineers, Corps of	33, II; 36, III
Engraving and Printing, Bureau of	31, VI
Environmental Protection Agency	40, I; 41, 115; 48, 15
Environmental Quality, Office of (Agriculture Department)	7, XXXI
Equal Employment Opportunity Commission	29, XIV
Equal Opportunity, Office of Assistant Secretary for	24, I
Executive Office of the President	3, I
Administration, Office of	5, XV
Export Administration Bureau	15, VII
Export-Import Bank of the United States	12, IV
Family Assistance, Office of	45, II
Family Support Administration	45, II, III, IV, X
Farm Credit Administration	12, VI
Farm Credit System Assistance Board	12, XIII
Farm Credit System Insurance Corporation	12, XIV
Farmers Home Administration	7, XVIII
Federal Acquisition Regulation	48, 1
Federal Aviation Administration	14, I
Federal Claims Collection Standards	4, II
Federal Communications Commission	47, I

Agency	CFR Title, Subtitle or Chapter
Federal Contract Compliance Programs, Office of	41, 60
Federal Crop Insurance Corporation	7, IV
Federal Deposit Insurance Corporation	12, III
Federal Election Commission	11, I
Federal Emergency Management Agency	44, I; 48, 44
Federal Energy Regulatory Commission	18, I
Federal Financial Institutions Examination Council	12, XI
Federal Financing Bank	12, VIII
Federal Grain Inspection Service	7, VIII
Federal Highway Administration	23, I, II; 49, III
Federal Home Loan Mortgage Corporation	1, IV
Federal Housing Finance Board	12, IX
Federal Information Resources Management Regulations	41, Subtitle E, Ch. 201
Federal Inspector for the Alaska Natural Gas Transportation System, Office of	10, XV
Federal Labor Relations Authority, and General Counsel of the Federal Labor Relations Authority	5, XIV; 22, XIV
Federal Law Enforcement Training Center	31, VII
Federal Maritime Commission	46, IV
Federal Mediation and Conciliation Service	29, XII
Federal Mine Safety and Health Review Commission	29, XXVII
Federal Pay, Advisory Committee on	5, IV
Federal Prison Industries, Inc.	28, III
Federal Property Management Regulations	41, 101
Federal Property Management Regulations System	41, Subtitle C
Federal Railroad Administration	49, II
Federal Register, Administrative Committee of	1, I
Federal Register, Office of	1, II
Federal Reserve System	12, II
Federal Retirement Thrift Investment Board	5, VI
Federal Service Impasses Panel	5, XIV
Federal Trade Commission	16, I
Federal Travel Regulation System	41, Subtitle F
Finance and Management, Department of Agriculture	7, XXX
Fine Arts Commission	45, XXI
Fiscal Service	31, II
Fish and Wildlife Service, United States	50, I, IV
Fishery Conservation and Management	50, VI
Fishing and Whaling, International Regulatory Agencies	50, III
Food and Drug Administration	21, I
Food and Nutrition Service	7, II
Food Safety and Inspection Service	9, III
Foreign Agricultural Service	7, XV
Foreign Assets Control, Office of	31, V
Foreign Claims Settlement Commission of United States	45, V
Foreign Economic Development Service	7, XXI
Foreign Service Grievance Board	22, IX
Foreign Service Impasse Disputes Panel	22, XIV
Foreign Service Labor Relations Board	22, XIV
Foreign-Trade Zones Board	15, IV
Forest Service	36, II
General Accounting Office	4, I, II, III
General Sales Manager, Office of	7, XXV
General Services Administration	
Contract Appeals Board	48, 61
Federal Acquisition Regulation	48, 5
Federal Information Resources Management Regulations	41, Subtitle E, Ch. 201
Federal Property Management Regulations System	41, 101, 105
Federal Travel Regulation System	41, Subtitle F
Payment of Expenses Connected With the Death of Certain Employees	41, 303
Reduction in Meeting and Training Allowance Payments	41, 304
Relocation Allowances	41, 302
Travel Allowances	41, 301
Geological Survey	30, IV
Government Ethics, Office of	5, XVI

Agency	CFR Title, Subtitle or Chapter
Government National Mortgage Association	24, III
Grants and Program Systems, Office of	7, XXXII
Great Lakes Pilotage	46, III
Harry S. Truman Scholarship Foundation	45, XVIII
Health and Human Services, Department of	45, Subtitle A
Child Support Enforcement, Office of	45, III
Community Services, Office of	45, X
Family Assistance, Office of	45, II
Family Support Administration	45, II, III, IV, X
Federal Acquisition Regulation	48, 3
Food and Drug Administration	21, I
Health Care Financing Administration	42, IV
Human Development Services Office	45, XIII
Inspector General, Office of	42, V
Public Health Service	42, I
Refugee Resettlement, Office of	45, IV
Social Security Administration	20, III; 45, IV
Health Care Financing Administration	42, IV
Housing and Urban Development, Department of	
Community Planning and Development, Office of Assistant Secretary for	24, V, VI
Equal Opportunity, Office of Assistant Secretary for	24, I
Federal Acquisition Regulation	48, 24
Government National Mortgage Association	24, III
Housing—Federal Housing Commissioner, Office of Assistant Secretary for	24, II, VIII, X, XX
Inspector General, Office of	24, XII
Mortgage Insurance and Loan Programs Under Emergency Homeowners' Relief Act	24, XV
Public and Indian Housing, Office of Assistant Secretary for	24, IX
Secretary, Office of	24, Subtitle B, VII
Solar Energy and Energy Conservation Bank	24, XI
Housing—Federal Housing Commissioner, Office of Assistant Secretary for	24, II, VIII, X, XX
Human Development Services Office	45, XIII
Immigration and Naturalization Service	8, I
Indian Affairs, Bureau of	25, I
Indian Arts and Crafts Board	25, II
Information Agency, United States	22, V; 48, 19
Information Resources Management, Office of, Agriculture Department	7, XXVII
Information Security Oversight Office	32, XX
Inspector General, Office of, Agriculture Department	7, XXVI
Inspector General, Office of, Health and Human Services Department	42, V
Inspector General, Office of, Housing and Urban Development Department	24, XII
Inter-American Foundation	22, X
Intergovernmental Relations, Advisory Commission on	5, VII
Interior Department	
Endangered Species Committee	50, IV
Federal Acquisition Regulation	48, 14
Federal Property Management Regulations System	41, 114
Fish and Wildlife Service, United States	50, I, IV
Geological Survey	30, IV
Indian Affairs, Bureau of	25, I
Indian Arts and Crafts Board	25, II
Land Management Bureau	43, II
Minerals Management Service	30, II
Mines, Bureau of	30, VI
National Park Service	36, I
Reclamation Bureau	43, I
Secretary of the Interior, Office of	43, Subtitle A
Surface Mining and Reclamation Appeals, Board of	30, III
Surface Mining Reclamation and Enforcement, Office of	30, VII

Agency	CFR Title, Subtitle or Chapter
United States Fish and Wildlife Service	50, I, IV
Internal Revenue Service	26, I
International Boundary and Water Commission, United States and Mexico	22, XI
International Cooperation and Development Office, Department of Agriculture	7, XXII
International Development, Agency for	22, II
International Development Cooperation Agency	22, XII
International Development, Agency for	22, II
Overseas Private Investment Corporation	22, VII
International Joint Commission, United States and Canada	22, IV
International Organizations Employees Loyalty Board	5, V
International Regulatory Agencies (Fishing and Whaling)	50, III
International Trade Administration	15, III; 19, III
International Trade Commission, United States	19, II
Interstate Commerce Commission	49, X
Japan-United States Friendship Commission	22, XVI
Joint Board for the Enrollment of Actuaries	20, VIII
Justice Department	28, I; 41, 128
Drug Enforcement Administration	21, II
Federal Acquisition Regulation	48, 28
Federal Claims Collection Standards	4, II
Federal Prison Industries, Inc.	28, III
Foreign Claims Settlement Commission of the United States	45, V
Immigration and Naturalization Service	8, I
Offices of Independent Counsel	28, VI
Prisons, Bureau of	28, V
Labor Department	
Benefits Review Board	20, VII
Employees' Compensation Appeals Board	20, IV
Employment and Training Administration	20, V
Employment Standards Administration	20, VI
Federal Acquisition Regulation	48, 29
Federal Contract Compliance Programs, Office of	41, 60
Federal Procurement Regulations System	41, 50
Labor-Management Relations and Cooperative Programs, Bureau of	29, II
Labor-Management Standards, Office of	29, IV
Mine Safety and Health Administration	30, I
Occupational Safety and Health Administration	29, XVII
Pension and Welfare Benefits Administration	29, XXV
Public Contracts	41, 50
Secretary of Labor, Office of	29, Subtitle A
Veterans' Employment and Training, Office of the Assistant Secretary for	41, 61; 20, IX
Wage and Hour Division	29, V
Workers' Compensation Programs, Office of	20, I
Labor-Management Relations and Cooperative Programs, Bureau of	29, II
Labor-Management Standards, Office of	29, IV
Land Management, Bureau of	43, II
Legal Services Corporation	45, XVI
Library of Congress	36, VII
Copyright Office	37, II
Management and Budget, Office of	5, III
Marine Mammal Commission	50, V
Maritime Administration	46, II
Merit Systems Protection Board	5, II
Micronesian Status Negotiations, Office for	32, XXVII
Mine Safety and Health Administration	30, I
Minerals Management Service	30, II
Mines, Bureau of	30, VI
Minority Business Development Agency	15, XIV
Miscellaneous Agencies	1, IV
Monetary Offices	31, I

Agency	CFR Title, Subtitle or Chapter
Mortgage Insurance and Loan Programs Under the Emergency Homeowners' Relief Act, Department of Housing and Urban Development	24, XV
National Aeronautics and Space Administration	14, V; 48, 18
National Agricultural Library	7, XLI
National Agricultural Statistics Service	7, XXXVI
National Archives and Records Administration	36, XII
National Bureau of Standards	15, II
National Capital Planning Commission	1, IV
National Commission for Employment Policy	1, IV
National Commission on Libraries and Information Science	45, XVII
National Credit Union Administration	12, VII
National Foundation on the Arts and the Humanities	45, XI
National Highway Traffic Safety Administration	23, II, III; 49, V
National Institute of Standards and Technology	15, II
National Labor Relations Board	29, I
National Marine Fisheries Service	50, II, IV
National Mediation Board	29, X
National Oceanic and Atmospheric Administration	15, IX; 50, II, III, IV, VI
National Park Service	36, I
National Railroad Adjustment Board	29, III
National Railroad Passenger Corporation (AMTRAK)	49, VII
National Science Foundation	45, VI; 48, 25
National Security Council	32, XXI
National Security Council and Office of Science and Technology Policy	47, II
National Telecommunications and Information Administration	15, XXIII; 47, III
National Transportation Safety Board	49, VIII
Navajo and Hopi Indian Relocation Commission	25, IV
Navy Department	32, VI; 48, 52
Neighborhood Reinvestment Corporation	24, XXV
Nuclear Regulatory Commission	10, I
Occupational Safety and Health Administration	29, XVII
Occupational Safety and Health Review Commission	29, XX
Office of Independent Counsel	28, VII
Offices of Independent Counsel, Department of Justice	28, VI
Operations Office, Department of Agriculture	7, XXVIII
Overseas Private Investment Corporation	22, VII
Oversight Board	12, XV
Packers and Stockyards Administration	9, II
Panama Canal Commission	48, 35
Panama Canal Regulations	35, I
Patent and Trademark Office	37, I
Payment of Expenses Connected With the Death of Certain Employees	41, 303
Peace Corps	22, III
Pennsylvania Avenue Development Corporation	36, IX
Pension and Welfare Benefits Administration, Department of Labor	29, XXV
Pension Benefit Guaranty Corporation	29, XXVI
Personnel Management, Office of	5, I; 45, VIII; 48, 17
Federal Employees Health Benefits Acquisition Regulation	48, 16
Postal Rate Commission	39, III
Postal Service, United States	39, I
Postsecondary Education, Office of	34, VI
President's Commission on White House Fellowships	1, IV
Presidential Documents	3
Prisons, Bureau of	28, V
Productivity, Technology and Innovation, Assistant Secretary (Commerce)	37, IV
Property Management Regulations System, Federal	41, Subtitle C
Public Contracts, Department of Labor	41, 50
Public Health Service	42, I
Railroad Retirement Board	20, II

Agency	CFR Title, Subtitle or Chapter
Reclamation Bureau	43, I
Reduction in Meeting and Training Allowance Payments	41, 304
Refugee Resettlement, Office of	45, IV
Regional Action Planning Commissions	13, V
Relocation Allowances	41, 302
Research and Special Programs Administration	49, I
Resolution Trust Corporation	12, XVI
Rural Electrification Administration	7, XVII
Rural Telephone Bank	7, XVI
Saint Lawrence Seaway Development Corporation	33, IV
Science and Technology Policy, Office of	32, XXIV
Science and Technology Policy, Office of, and National Security Council	47, II
Secret Service	31, IV
Securities and Exchange Commission	17, II
Selective Service System	32, XVI
Small Business Administration	13, I; 48, 22
Smithsonian Institution	36, V
Social Security Administration	20, III; 45, IV
Soil Conservation Service	7, VI
Solar Energy and Energy Conservation Bank, Department of Housing and Urban Development	24, XI
Soldiers' and Airmen's Home, United States	5, XI
Special Counsel, Office of	5, VIII
Special Education and Rehabilitative Services, Office of	34, III
State Department	22, I
Federal Acquisition Regulation	48, 6
Surface Mining and Reclamation Appeals, Board of	30,III
Susquehanna River Basin Commission	18, VIII
Technology Administration	15, XI
Tennessee Valley Authority	18, XIII
Thrift Supervision Office, Department of the Treasury	12, V
Trade Representative, United States, Office of	15, XX
Transportation, Department of	44, IV
Coast Guard	33, I; 46, I, III; 49, IV
Commercial Space Transportation, Office of	14, III
Contract Appeals Board	48, 63
Federal Acquisition Regulation	48, 12
Federal Aviation Administration	14, I
Federal Highway Administration	23, I, II; 49, III
Federal Railroad Administration	49, II
Maritime Administration	46, II
National Highway Traffic Safety Administration	23, II, III; 49, V
Research and Special Programs Administration	49, I
Saint Lawrence Seaway Development Corporation	33, IV
Secretary of Transportation, Office of	14, II; 49, Subtitle A
Urban Mass Transportation Administration	49, VI
Transportation, Office of, Department of Agriculture	7, XXXIII
Travel Allowance	41, 301
Travel Service, United States	15, XII
Treasury Department	17, IV
Alcohol, Tobacco and Firearms, Bureau of	27, I
Comptroller of the Currency	12, I
Customs Service, United States	19, I
Engraving and Printing, Bureau of	31, VI
Federal Acquisition Regulation	48, 10
Federal Law Enforcement Training Center	31, VII
Fiscal Service	31, II
Foreign Assets Control, Office of	31, V
Internal Revenue Service	26, I
Monetary Offices	31, I
Secret Service	31, IV
Secretary of the Treasury, Office of	31, Subtitle A
Thrift Supervision Office	12, V
United States Customs Service	19, I
Truman, Harry S. Scholarship Foundation	45, XVIII

Agency	CFR Title, Subtitle or Chapter
United States and Canada, International Joint Commission	22, IV
United States Arms Control and Disarmament Agency	22, VI
United States Customs Service	19, I
United States Fish and Wildlife Service	50, I, IV
United States Information Agency	22, V; 48, 19
United States International Development Cooperation Agency	22, XII
United States International Trade Commission	19, II
United States Postal Service	39, I
United States Soldiers' and Airmen's Home	5, XI
United States Trade Representative, Office of	15, XX
United States Travel Service	15, XII
Urban Mass Transportation Administration	49, VI
Veterans Affairs Department	38, I; 48, 8
Veterans' Employment and Training, Office of the Assistant Secretary for	41, 61; 20, IX
Vice President of the United States, Office of	32, XXVIII
Vocational and Adult Education, Office of	34, IV
Wage and Hour Division	29, V
Water Resources Council	18, VI
Workers' Compensation Programs, Office of	20, I
World Agriculture Outlook Board	7, XXXVIII

Table of OMB Control Numbers

The OMB control numbers for Chapter I of Title 47 were consolidated into § 0.408 at 49 FR 18306, Apr. 30, 1984. Section 0.408 is reprinted below for the convenience of the user.

§ 0.408 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

(a) *Purpose.* This section collects and displays the control numbers assigned to information collection requirements of the Commission by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1980, Pub. L. 96-511. The Commission intends that this section comply with the requirements of section 3507(f) of the Paperwork Reduction Act, which requires that agencies display a current control number assigned by the Director of the Office of Management and Budget ("OMB") for each agency information collection requirement. OMB control numbers assigned to Commission forms are not listed in this section since those numbers appear on the forms.

(b) *Display.*

47 CFR part or section where identified and described	Current OMB Control No.
1.720–1.734	3060–0411
1.1307	3060–0004
1.1308	3060–0004
1.1311	3060–0004
1.1404	3060–0392
1.1408	3060–0392
1.1705	3060–0344
1.1709	3060–0345
2.948	3060–0398
2.955	3060–0329
15.7	3060–0397
15.69(b)	3060–0329
15.117(g)(2)–(3)	3060–0398
15.236	3060–0324
15.312(c)	3060–0387
15.623	3060–0372
15.814(b)	3060–0329
15.834(b)-(c)	3060–0329
18.203(b)	3060–0329
21.201	3060–0206
21.204	3060–0206
21.207	3060–0206
21.208	3060–0206
21.300	3060–0206
21.307	3060–0206
21.406	3060–0206
21.708	3060–0206
21.808	3060–0206
21.910	3060–0396
22.201	3060–0150
22.307	3060–0150
22.406	3060–0150
22.501(l)(10)(ii)	3060–0094
25.390	3060–0164
25.391(a)—(e)	3060–0343
25.392	3060–0359
Part 32	3060–0370
Part 36	3060–0233
Part 42	3060–0166
43.21	3060–0395
43.22	3060–0395
43.31	3060–0058
43.42	3060–0167
43.43	3060–0168
43.51	3060–0169
43.53	3060–0169
43.61	3060–0106
Part 61	3060–0298
Part 62	3060–0330
63.01–63.63	3060–0149
63.65	3060–0149
63.66	3060–0149
63.71–63.601	3060–0149
63.701	3060–0357
64.804	3060–0147
68.106	3060–0253
68.108	3060–0253
68.110	3060–0253
Part 69	3060–0292
73.51	3060–0340
73.54	3060–0393
73.61	3060–0161
73.68	3060–0321
73.69	3060–0326
73.99	3060–0157
73.158	3060–0160
73.961	3060–0207
73.1030	3060–0170
73.1125	3060–0171
73.1207	3060–0173
73.1212	3060–0174
73.1250	3060–0175
73.1400	3060–0320
73.1510	3060–0176
73.1560	3060–0178

47 CFR part or section where identified and described	Current OMB Control No.
73.1590	3060-0179
73.1610	3060-0180
73.1615	3060-0181
73.1620	3060-0182
73.1635	3060-0386
73.1680	3060-0341
73.1690	3060-0374
73.1740	3060-0184
73.1820	3060-0126
73.1840	3060-0183
73.1870	3060-0208
73.1920	3060-0209
73.1930	3060-0210
73.1940	3060-0211
73.2080	3060-0212
73.3523	3060-0427
73.3524	3060-0423
73.3525	3060-0213
73.3526	3060-0214
73.3527	3060-0215
73.3538	3060-0216
73.3544	3060-0190
73.3550	3060-0188
73.3594	3060-0187
73.3613	3060-0185
74.21	3060-0194
74.433	3060-0254
74.452	3090-0246
74.537	3060-0245
74.551	3060-0243
74.604	3060-0242
74.633	3060-0241
74.651	3060-0240
74.703	3060-0236
74.751	3060-0248
74.781	3060-0249
74.784	3060-0250
74.833	3060-0251
74.1281	3060-0309
74.1284	3060-0342
76.12	3060-0310
76.29	3060-0024
76.33	3060-0416
76.54	3060-0311
76.58	3060-0376
76.66	3060-0375
76.73	3060-0349
76.75	3060-0349
76.79	3060-0348
76.94	3060-0419
76.155	3060-0419
76.157	3060-0419
76.159	3060-0419
76.205	3060-0313
76.209	3060-0314
76.221	3060-0315
76.305	3060-0316
76.601	3060-0269
76.614	3060-0332
76.615	3060-0331
76.619	3060-0356
78.11	3060-0339
78.27	3060-0346
78.33	3060-0266
78.69	3060-0267
80.29	3060-0361
80.59	3060-0228
80.110	3060-0276
80.227	3060-0388
80.302	3060-0286
80.401	3060-0362
80.409(c)	3060-0360
80.409(d)–(e)	3060-0364
80.413	3060-0264
80.503	3060-0297
80.605	3060-0325
80.868	3060-0265
87.31	3060-0197
87.37	3060-0202
87.103	3060-0192
90.38(b)	3060-0204
90.41(b)	3060-0218
90.49(b)	3060-0219
90.129(b)	3060-0223
90.131(b)	3060-0225
90.135(c)(2)–(3)	3060-0226
90.145	3060-0119
90.151	3060-0224
90.155(b)	3060-0221
90.176	3060-0258
90.177	3060-0263
90.179	3060-0262
90.215	3060-0261
90.239(d)	3060-0260
90.263	3060-0259
90.443	3060-0270
90.477	3060-0291
90.505	3060-0308
90.517	3060-0290
90.607 (b)(1) and (c)(1)	3060-0295
90.629(a)	3060-0307
90.633 (f) and (g)	3060-0280
90.651	3060-0281
94.17	3060-0282
94.25 (f)–(g), and (i)	3060-0284
94.27(a)(6)	3060-0312
94.31	3060-0272
94.43	3060-0273
94.45	3060-0274
94.51	3060-0299
94.107	3060-0300
94.113	3060-0301
97.36(c)	3060-0323
97.71	3060-0347
97.82	3060-0302
97.83	3060-0303
97.88	3060-0222
97.90	3060-0203
97.521	3060-0368

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[1] [Reserved]

(Sec. 4(i), Communications Act of 1934, as amended; 47 CFR 0.231(d))

[49 FR 18306, Apr. 30, 1984, as amended at 50 FR 9632, Mar. 11, 1985; 51 FR 12157, Apr. 9, 1986; 51 FR 34619, Sept. 30, 1986; 52 FR 35918, Sept. 24, 1987; 53 FR 5184, Feb. 22, 1988; 53 FR 6916, Mar. 3, 1988; 54 FR 3038, Jan. 23, 1989; 54 FR 35650, Aug. 29, 1989]

List of CFR Sections Affected

All changes in this volume of the Code of Federal Regulations which were made by documents published in the FEDERAL REGISTER since January 1, 1973, are enumerated in the following list. Entries indicate the nature of the changes effected. Page numbers refer to FEDERAL REGISTER pages. The user should consult the entries for chapters and parts as well as sections for revisions.

For the period before January 1, 1973, see the "List of CFR Sections Affected, 1949-1963 and 1964-1972," published in three separate volumes.

1973

47 CFR

	38 FR Page
Chapter I	
64.202—64.298 (Subpart B) Revised	33475
64.702 (Subpart G) Revised	8745

1974

47 CFR

	39 FR Page
Chapter I	
43 Forms amended	29919
43.31 Revised	31904
43.72 Added	2768

1975

47 CFR

	40 FR Page
Chapter I	
68 Added	53022

1976

47 CFR

	41 FR Page
Chapter I	
43 Forms M and 901 amended	15699
Forms M and 901 corrected	24886
43.31 (b) redesignated as (c); new (b) added	29394
61.21 Revised	54766
61.58 Revised	54767
61.152 Revised	54767
61.153 Revised	54767
63.01 Introductory text, (e), and (i) revised; (q) added	20661

47 CFR—Continued

	41 FR Page
Chapter I—Continued	
63.02 Revised	20661
63.03 Revised	20661
63.04 (b), (c), and (d) revised	20662
63.05 Revised	20662
63.50 Added	20662
63.51 Revised	20662
63.52 Heading and text revised	20662
(b) and (c) added	20662
(b) corrected	22274
68 Technical correction	9154
Petition granted in part	18416
68.2 Revised	8048, 12664, 56648
68.3 Revised	12673
68.104 Revised	28699
68.106 Revised	8048
68.200 Revised	8048
(d) revised	10224
68.202 (b) revised	8049
68.204 Revised	8049
68.208 Heading and (a) revised	8049
68.218 Revised	8049
68.220 Added	8049
68.300—68.314 (Subpart D) Revised	12673
68.300 (b)(3) revised	8049
68.306 Revised	12675
(b)(2) corrected	14875
68.308 (a)(4)(ii) and (ii) revised	28699
68.310 (a) and (f) revised	12665
(a) and (f) corrected	14168
68.312 (a) introductory text revised	12665
68.314 (a) revised	46302
68.500—68.504 (Subpart F) Added	28699

1977

47 CFR

42 FR Page

Chapter I

61.58 (b), (c), (d), and (e) revised.......... 12175
61.60 Revised.......... 12175
61.61 Revised.......... 12175
61.62 Revised.......... 12175
61.63 Revised.......... 12175
61.64 Revised.......... 12175
61.66 Revised.......... 12175
63.52 (c) revised.......... 36459
68.2 (b) and (c) revised.......... 29011
Revised.......... 64688
68.3 Revised.......... 32242
68.104 Reconsideration.......... 12056
68.106 Revised.......... 32244
68.108 Revised.......... 32244
68.200 (c) introductory text, (1) and (2), and (g) revised.......... 32244
68.214 Revised.......... 32244
68.218 (b) revised; (d) added.......... 32244
68.220 Revised.......... 32244
68.302 (d) revised; (e)(3) amended; (f) added.......... 32244
(f) corrected.......... 55819
68.304 Revised.......... 32245
Note corrected.......... 34882
68.306 (b) revised; (c) added.......... 32245
68.308 (a)(4) (i) and (ii) reconsideration.......... 12056
(a) and (c) revised.......... 32246
(a)(3) and (4) revised.......... 38358
68.310 (a) amended; (d), (f), and (h) revised; (i) added.......... 32246
(a) corrected.......... 34882, 38357
(f) corrected.......... 55819
68.312 (a) introductory text, (a)(1) introductory text and (i) and (ii) revised; (b) redesignated as (c) and revised; new (b), (d), (e), and (f) added.......... 32247
(c)(2) and Table 1 corrected.......... 55819
68.314 (b) revised; (c) and (d) added.......... 32248
68.500—68.504 (Subpart F) Reconsideration.......... 12056
68.808 (c) corrected.......... 34882

1978

47 CFR

43 FR Page

Chapter I

43 Forms M, O, and R amended.......... 16738
63 Report and Order.......... 56227

47 CFR—Continued

43 FR Page

Chapter I—Continued

63.54 Note 2 revised.......... 3563
64.233 Revised.......... 11704
64.601 (b) Note 2 amended.......... 3563
68.2 (c) revised.......... 16499
68.3 (l) through (p) redesignated as (m) through (q); new (l) added.......... 16499
68.106 (c) added.......... 16499
68.214 (e) added.......... 16499
68.215 Added.......... 16499
68.506 Added.......... 16501

1979

47 CFR

44 FR Page

Chapter I

61.32 Revised.......... 66824
61.33 (c) added.......... 66825
61.34 Removed.......... 66825
61.72 Revised.......... 57097
63.54—63.57 Undesignated center heading added.......... 75163
63.54 Heading revised.......... 75163
63.55 Revised.......... 75163
64.602 Revised.......... 75163
67.1 (e) added.......... 43274
68.2 (c) revised.......... 7957
(c) interpretation.......... 38847
(a) revised; (d) added.......... 66830
68.3 (l)(1) revised.......... 7957
68.104 (c) added.......... 7957
68.200 (h) added.......... 7957
68.215 (c)(4) and (d)(5) note added; (d) (1), (2), and (3), (e) introductory text, (2), (3), and (7) revised.......... 7958
68.304 Note (a) revised; note (e) added.......... 7958
68.306 (a) revised.......... 7959
68.502 (b)(6), (e) (7), and (8) removed.......... 7959

1980

47 CFR

45 FR Page

Chapter I

61 Report and order.......... 19247
61.15a Added.......... 76167
61.38 (b)(1) revised.......... 64190
(f) revised.......... 76167
61.39 Added.......... 76168
61.58 (e) revised.......... 64190
(f) added.......... 76168
63.01 (h)(3) revised.......... 3051

47 CFR—Continued

Chapter I—Continued 45 FR Page

(h)(3) corrected....6585
63.07 Added....76168
63.54—63.57 Undesignated center heading added....82948
63.54 Revised....82948
63.55 Revised....82949
63.56 Revised....82949
63.57 Revised....82949
63.60 (a)(1), (2), and (c) revised; (a)(3) and (d) through (h) removed....3051
(a)(1) and (2) and (c) corrected; (a)(3) and (d) through (h) correctly removed....6585
63.61 Amended....76169
63.62 (c) removed; (f) corrected....6585
63.63 (a) introductory text revised....6585
63.64 Heading revised....3051
Heading corrected....6585
63.66 Revised....3051
Correctly revised....6585
63.67 Removed....3051
Correctly removed....6585
63.68 Removed....3051
Correctly removed....6585
63.71 Added....76169
63.90 Revised....3051
Correctly revised....6585
(a) amended....76169
63.91 Removed....3051
Correctly removed....6585
63.502 Removed....3051
Correctly removed....6585
63.503 Removed....3051
Correctly removed....6585
63.505 Removed....3051
Reinstated and corrected....6585
63.506 Removed....3051
Correctly removed....6585
63.507 Removed....3051
Correctly removed....6585
64.202—64.298 (Subpart B) Removed....3052
Correctly removed....6586
64.601—64.602 (Subpart F) Removed....82949
64 Appendix A revised....26057, 81760
Appendix A technical correction....32001
Appendix A effective date postponed to 9-30-80....47427
Appendix A technical correction....49082
64.702 (Subpart G) revised....31364

47 CFR—Continued

Chapter I—Continued 45 FR Page

Effective date deferred....41429
Comment time extended....42622
Petition page requirement waived....40116, 52389
Petitions for reconsideration time extended....46405, 56810
67 Incorporation by reference approvals....64816
Revised....62990
68 Order....67352
68.1—68.3 (Subpart A) Revised....20841
68.100 Revised....20853
68.104 Revised....20853
68.106 Revised....20853
68.222 Added....20853
68.300—68.314 (Subpart D) Revised....20853
68.306 (d) corrected....54342
(a)(5) and (d)(3) and (4) corrected....61632
68.310 (j) corrected....54343
(a), (j), and (k) corrected....61632
68.312 (c)(1) and (d) corrected....61632
(b)(1)(iii) corrected....79486
68.500 (i)(4) figure corrected....52151

1981

47 CFR

46 FR Page

Chapter I

61 Report and order....29264
61.58 Waived....30830
63.01 (r) added....58687
Technical correction....59976
63.56 (a), (b) (2) and (3), and (c) revised....31421
63.58 Added....58687
Technical correction....59976
64.501 (a) and (b) revised....29480
64.702 (c)(4) revised....6008
Reconsideration of prior determinations....59976
67 Incorporation by reference approvals....47938
67.1 (e) revised....38517
68.3 (f) figure amended....40192
68.308 (b)(7)(ii)(C) table amended....40192
68.312 (h) table amended....40192
68.502 (e)(1) through (4) notes removed....38516

1982

47 CFR

47 FR Page

Chapter I
42.9 Clarification.......................... 10560
43 Forms O and R amended........ 58272
43.21 Reporting requirements suspended.................................. 10852
(a) revised.......................................50697
61 Interim guidelines.................. 18883
61.16 Waived in part...................... 18900
61.38 Deferred in part...... 18900, 31280
Revised.. 46703
61.54 Waived in part...................... 18900
61.55 (e) waived in part................ 18900
61.58 Waived in part......... 18900, 31280
61.59 Waived in part......... 18900, 31280
61.71 Waived in part...................... 18900
61.74 Waived in part......... 18900, 31280
61.94 Waived in part...................... 18900
61.112 Waived in part.................... 18900
63 Policy statement....................... 54944
64 Filing time extended.............. 27293
67 Supplemental procedures order... 23459
Publication policy........................ 56627
67.1 Separations Manual amended; incorporation by reference.......................... 9182, 24722
Separations Manual interpretations............................... 49025, 55681
Separations Manual corrected; incorporation by reference..... 15142
68.215 (g)(3) introductory text corrected.. 37896
68.306 (a)(4)(iv), (b)(1)(i) and (ii) corrected............................ 39686
68.308 (b)(6)(iii) corrected........... 10219
(b)(7)(i) and(ii)(C) corrected...... 39687
68.310 (h) corrected....................... 39687
68.314 (e)(1) corrected.................. 10219
(c) corrected.................................... 39687
(e)(1) corrected............................... 42750

1983

47 CFR

48 FR Page

Chapter I
43 Form M Schedules revised....... 5932
Form M schedules corrected...... 10843
61 Policy statement...................... 46791
Petitions granted in part............ 51773
61.38 Deferred in part................... 12382
61.58 Waived in part...................... 12382
61.59 Waived in part...................... 12382
61.74 Waived in part...................... 12382
63 Policy statement....................... 46791

47 CFR—Continued

48 FR Page

Chapter I—Continued
63.07 (a)(5) amended; (c) removed; (d) and (e) redesignated as (c) and (d)..........................52463
64 Petitions granted in part........ 51773
64.702 Petitions for waiver granted..6116
Clarification and policy statement...54351
67 Separations Manual; interpretations.................................. 5939
68.312 Table corrected................. 34044
69 Added..10358
Waiver granted...............................31649
Waiver granted.....48234, 54980, 55742
69.2 (a), (j), (k), (m), (r), and (t) revised; (gg) added.....................43017
69.3 (e)(1) through (4) and (8) revised; (e)(9) removed........... 43017
69.4 (a) and (b) revised.................. 43017
69.5 Added..43017
69.102 Removed..............................43017
69.103 Revised............................... 43017
69.104 (a) and (c) revised............. 43018
69.105—69.106 Revised.................43018
69.107 (a) through (f) revised......43018
69.108 Revised............................... 43018
69.110 Removed..............................43019
69.111 (a) revised...........................43019
69.113 (c) revised............................43019
69.114 (b) revised............................43019
69.115 Added....................................43019
69.201—69.205 Revised.................43019
69.206—69.208 Removed............. 43020
69.302 (b)(4) revised.......................43020
69.303 (b) through (d) revised.....43020
69.304 Revised............................... 43020
69.305 (b) and (c) revised............ 43020
69.306 (b), (c), (e), (f), and (i) revised...43020
69.307 (b) through (f) and (i) revised...43021
69.308 (c) revised............................43021
69.309 Revised................................43021
69.404—69.405 Revised..................43021
69.406 (a) revised...........................43021
69.501 (d) revised; (e) added........ 43021
69.502—69.503 Revised.................43022
69.602 Added....................................31858
69.604 (a) revised...........................43022
69.605 (c)(1) revised...................... 43022
69.607 (c) revised............................43022

1984

47 CFR

49 FR Page

Chapter I

43 Forms O and R amended....887

Report Form M and Report 901 amended....44296

43.21 (a) amended; (d) added....10122

51 Removed....887

52 Removed....887

61 Policy statement....9174

Revised....40869

Report and order....47265

61.40 Added....18118

61.56 Waived....34831

61.58 Waived in part....19823

Waived....34831

61.59 Waived in part....19823

Waived....34831

61.74 Waived in part....19823

61.118 (b) waived in part....19823

63.03 (a)(5) and (6) and (e) revised....22818

63.07 Revised....34831

63.08 Added....21335

64.201 (Subpart B) Added....25003

64.601—64.604 (Subpart F) Added....1363

Correctly designated....3186

64.603 Corrected....24733

64.604 Correctly designated....24733

64.702 Petitions denied....26056

67 Interpretation letter....4752, 7384, 21335, 22087, 24023, 38288

Revised....7946

Effective date corrected....9570

Effective date deferred....14111

Effective date advanced....23649

68 Interpretation....27763

68.1 Revised....1362, 21733

68.2 (a)(4) added....21734

(a) introductory text revised; (a)(5) and (f) added....48719

68.3 Amended....21734

(cc)(5) and (6), and (dd) through (jj), and figure 68.3(j) added....48720

68.4 Added....1362

68.100 Revised....48720

68.112 Added....1362

68.200 (i) added....1363

(d) revised....48720

68.213 Added....21734

68.215 Heading revised....21735

68.218 (b)(5) added; (b) introductory text and undesignated final paragraph revised....1363

(b)(6) added....48720

47 CFR—Continued

49 FR Page

Chapter I—Continued

68.224 Added....1363

Introductory text revised; (c) added....19669

Technical correction....22088

68.308 (b)(5)(i) table and (B) revised; (b)(5)(i)(F) and (9), (g), and figure 68.308(d) added....48721

68.310 (l) and figure 68.310(k) added....48724

68.314 (a) note, (f), and (g) added; (d) revised....48725

68.316 Added....1363

68.318 Added....48726

68.414 Added....1368

69 Waiver granted...10549, 19669, 22324

Authority citation corrected....14742

69.3 (a), (b), and (e)(6) and (8) revised....7829

69.5 (c) revised....7829

69.105 (b) revised....7829

69.115 (a) and (c) revised; (e)(6) added....7829

69.201 Revised....7829

69.202 Revised....7829

69.203 Removed....7830

69.204 Removed....7830

69.205 Revised....7830

69.206 Added....7830

69.207 Added....7830

69.303 (c) revised....7830

(c) revised....46386

69.304 (a) and (b) revised....7831

69.502 Revised....7831

69.503 Removed....7831

69.606 (b) revised....7831

1985

47 CFR

50 FR Page

Chapter I

42 Report and order....48408

43 Report and order....48408

43.21 (c) revised....41153

43.31 (b) removed; (c) redesignated as (b)....41154

43.43 Waiver denied....50910

43.61 (a)(16) and (17), (d), (e), and (f) redesignated as (a)(17) and (18), (e), (f), and (g); new (f)(7), (8), and (9) redesignated as (f)(8), (9), and (10); new (a)(16), (d), and (f)(7) added...21614

47 CFR—Continued

50 FR Page

Chapter I—Continued

(a)(1), (9), (12), (14), (15), and new (17), (b), (c), and (f) introductory text, (1)(i), (2)(i), (3)(i), (4)(i), (6)(i), (8)(i), (9)(ii), and (10) and (g) revised....21614
61 Policy statement....1215, 25982
Petitions granted in part and denied in part....47741
61.58 Waiver....47746
61.59 Waiver....47746
61.74 Waiver....47746
62 Revised....31377
63.01 (r) removed....18659
63.09 Added....18659
63.10 Added....48203
63.54 Heading, (a), and (b) revised....18660
63.55 Revised....18660
63.56 (a), (b) introductory text, (2) and (3), (c), (d), and (e) revised....18660
63.57 Revised....18660
63.58 (a) introductory text and Note revised....18660
64 Waiver....9033
64.201 (Subpart B) Revised....42707
Effective date deferred; petition denied....48770
64.702 Petition for waiver granted....13573
Petition for waiver granted; corrected....16704
67 Interpretation letter... 34697, 45405
Decision and order; petition denied....47746
67.124 (d)(6) revised; (d)(7)(i), (ii), and (iii) amended....944
67.365 (a)(1)(i) revised; interim....26207
67.412 Interpretation letter....15558
67.611 (a)(9) removed....944
67.621 (a)(1) amended....944
67.631 Revised....944
67.641 (a) amended; (c) revised....944
67.701 Amended....944
68.2 (f) revised....48208
68.3 (cc)(5) and (6), (dd), and Figure 68.3(j) revised....48208
68.106 (a) and (b) revised....47548
68.202 (a) revised....47548
68.204 Revised....47548
68.213 (f)(2)(i) revised....29392
(e) introductory text revised....47548
68.218 (b)(6) revised....48209
68.226 Added....48209

47 CFR—Continued

50 FR Page

Chapter I—Continued

68.302 (c)(1) removed; (c)(2) and (3) redesignated as (c)(1) and (2)....47549
68.308 (b)(5)(i) table revised....48210
68.314 (a)(2)(i) amended....27251
68.500 Introductory text added; (a)(1) through (5), (b)(1), (2), and (3), (c)(1) through (5), (d)(2) and (3), (i)(1)(i), (2), (3), (4), (5), and (j)(2) removed....27251
(a)(1)(i), (4)(i), and (5)(i), (c)(1)(i), (4)(i), and (5)(i), and (i)(1)(i), (4)(i), and (5)(i) figures added; (a)(2)(i) and (ii), (3)(i), (b)(2)(i) and (3)(i), (c)(2)(i) and (ii), (3)(i), (d)(2)(i) and (3)(i), (i)(2)(i) and (ii), (3)(i), and (j)(2)(i) figures and Notes added....27251
68.502 (a)(2) and (3), (b)(2) through (5), (c)(2), and (d)(2) through (4) removed; (a)(4) and (b)(6) redesignated as (a)(2) and (b)(2); (f)(1) revised....47549
(c)(2), (d)(2), (3), and (4) correctly removed....49930
68.504 (a) and (b) removed; remainder of text designated as section text; heading revised....47549
69 Guidelines and waiver; technical correction....13023
Interim waiver....50910
69.3 (a), (b), (e)(6) and (8) revised....41356
69.5 Clarification and petition granted....12254, 42707
Petition comments filing dates clarification....19025
69.115 (a), (c), and (e)(6) clarification and petition granted....12254
Petition comments filing dates clarification....19025
Clarification and petition granted....42707
69.203 Added....944
(e) added....9636
69.204 Added....944
69.205 (b) revised; eff. 1-1-86....18262
Petitions denied....43707
69.206 Revised; eff. 1-1-86....18262
Petitions denied....43707
69.207 Removed; eff. 1-1-86....18262
Petitions denied....43707

47 CFR—Continued

50 FR Page

Chapter I—Continued

69.305 (b) revised....18262
Petitions denied....43707
69.501 (e) revised....18262
Petitions denied....43707
69.502 Revised....18262
Petitions denied....43707
69.606 (b) revised....41356
69.611 Added....945

1986

47 CFR

51 FR Page

Chapter I

42 Revised; eff. 11-14-86....32653
42.6 Correctly revised....39536
43 Annual Report Form M amended....37024
43.21 (a) revised....12159, 37024
Clarification....15498
43.31 (a) revised....12159
Clarification....15498
43.51 Revised....45890
43.52 Removed....45891
43.53 (a) amended....4749
Revised....45891
43.54 Removed....45891
43.61 (c) corrected....4749
43.74 Removed....45891
62.1 Revised....6116
62.12 Introductory text revised....6116
62.26 Amended....6116
63 Heading revised....18448
63.01 (q) revised....15003
63.10 Correctly designated....2708
63.60 (a)(1) amended; eff. 10-2-86....31305
63.701—63.702 Undesignated center heading added....18448
63.701 Added....18448
63.702 Added....18448
64 Petition for temporary waiver granted; petition for review denied....24350
Petition denied....29230
Appendix A amended....34983
65 Added....1808
65.100 (b) corrected....15328
65.101 (d) removed; (a) and (b) revised; eff. 10-17-86....32922
65.102 (b)(1) corrected....4598
(a) and (c)(2) revised; eff. 10-17-86....32922
65.103 (d) corrected....15328
65.104 (c) corrected....15328

47 CFR—Continued

51 FR Page

Chapter I—Continued

65.105 (c) corrected....15328
65.201 (b)(3) corrected....4598
65.300 Introductory text, (b) (1) and (3) corrected....4598
65.301 (a), (b), (c), and (d) corrected....4599
65.303 (a) and (b) corrected....4599
65.304 (c) corrected....4599
65.400 (a)(1) and (e)(3) corrected....4599
65.700—65.703 (Subpart F) Added....11034
67 Authority citation revised....3180
67.122 (a)(3) revised....7944
67.124 (c) introductory text and (d) introductory text, (1), (2), (3), and (7)(ii) revised....7944
(d)(7) Interpretation letter....12702
67.126 (a)(1) and (2) revised....7945
67.140 (e)(1)(i) revised....7945
67.151 (a)(2) and (b) introductory text, (b)(1) and (3) revised....7945
67.152 (e) redesignated as (f) and revised; new (e) added....7945
67.153 (b) revised....7946
67.161 (c) revised....7946
67.193 Undesignated center heading and section added....2711
Technical correction....5527
Effective date deferred....7445
67.313 (b)(2), (3), and (5) and (c)(4), (5) introductory text, (i), and (iii), and (6) revised....7946
67.365 (a) introductory text amended; (a)(1)(i) revised; (b) and (c) added....3180
67.421 Undesignated center heading and section added....2711
Technical correction....5527
Effective date deferred....7445
67.611 (a)(1) through (4) and (8) revised....7946
67.621 (a) revised....7947
67.701 Amended....2711, 7947
Technical correction....5527
Effective date deferred....7445
68.2 (a) (6), (7), and (8) added; (e) redesignated as (i); new (e), (g), and (h) added....937
(a)(7) and (h)(1) corrected....16689

47 CFR—Continued

51 FR Page

Chapter I—Continued
68.3 Amended; Figures (a), (b) and (f) revised; Figure (j) redesignated as Figure (l); new Figures (i), (j), and (k) added....937
68.100 Revised....944
68.200 (h) revised; (j) added....944
  (d) amended....12616
68.213 (a) and (g)(3)(ii) revised....944
68.300 (b)(4) and (5) added....944
68.302 (f) revised....944
  (f) corrected....16689
68.304 (h) and table Note (6) added; table text revised....944
68.306 (a)(7) and (8) added....945
  (a)(8) introductory text corrected....16689
68.308 (b)(1)(i) and (ii) Note (b), (5)(i)(A) and (C), (d), (e), and Figures (a) and (b) revised; (f) and (g) redesignated as (g) and (h); new (g) revised; (b)(1)(v), (vi), and (vii), (5)(i)(G) and (H), and new (f) added....945
  (b)(1)(i), (5)(i)(A), (d), and (g)(1), (2), and (3) corrected; footnote correctly added....16689
68.310 (b), (c), and (e), and (i) revised....950
  (i)(1) corrected....16690
68.312 (b)(1)(i) and (d)(1)(i) revised; Table 1 amended; (j) and (k) added....950
  (k) revised....28237
  Technical correction....31335
68.314 (a) introductory text, and (b) introductory text, and (d) revised....950
  (d) corrected....16690
68.318 (c) added....951
68.502 Introductory text, (a)(1), and (d)(1) amended; (a)(3), (b)(3), and (d)(2) added....951
69.2 (m) revised....10840
69.3 (a) revised; (e)(8) removed....6119
  (e)(3) and (4) revised; (e)(8) added....42236
69.4 (c) removed....42236
69.5 (b) and (c) revised....10840
  (b) revised; eff. 1-1-87....33752
69.105 Revised....10841
69.106 Revised....10841
69.107 (a) revised....10841
69.108 Revised....10841
69.111 (a) revised....10841

47 CFR—Continued

51 FR Page

Chapter I—Continued
69.114 Removed; eff. 1-1-87....8501
69.115 (a) revised....10841
69.202 (c) revised....7947
  (g) removed....10841
69.203 (d) amended; (g) added....1374
  (h) added....10841
  (h) correctly designated....15003
69.207 Added....10841
69.208 Added....10841
69.303 (c) revised....10842
69.304 (a) and (b) revised....10842
69.305 (b) revised....10842
69.306 (b) and (e) revised....42236
69.307 (d) revised....42236
69.401 (b) revised; eff. 1-1-87....8499
69.404 (a) and (b) revised....42236
69.405 (c) revised....11037
  (c)(1) (iii), (iv), and (viii) revised....42236
69.406 (c) revised....42237
69.601 (b) revised....9011
69.604 Revised....9012
69.605 (c)(1) and (2) revised; eff. 1-1-88....17027
69.607 (c) revised....42237
69.610 (a) revised....42237

1987

47 CFR

52 FR Page

Chapter I
43.21 (a) amended; (e) and (f) added; eff. 11-12-87....35918
43.22 Added; eff. 11-12-87....35919
43.31 (a) revised....1630
43.53 (a) amended....8453
61.12 (e) and (f) redesignated as (f) and (g); new (e) added; eff. 1-1-88....26682
61.32 Revised....10230
61.33 (c) and (d) redesignated as (d) and (e); (b) redesignated as (c) and revised; new (b) added; eff. 1-1-88....26682
61.38 (a) revised; eff. 1-1-88....26682
61.39 Added; eff. 1-1-88....26682
61.58 Waiver....2412, 16389
61.59 Waiver....2412, 16389
61.74 Waiver....2412, 16389
61.153 Revised....10230
62.22 Revised....5294
63 Policies and guidelines....45336
64 Report and order....20714
  Petition denied....21954

47 CFR—Continued

52 FR Page

Chapter I—Continued

64.201 Revised....17761
Effective date deferred in part; petition denied....23658
64.501 (b), (c) and (d) redesignated as (c), (d) and (e); new (b) added....3654
64.901 (Subpart I) Added....6560
(b)(4) revised....39534
64.902 Added....39534
65.101 (a)(2) revised; eff. 1-1-88....17251
65.600 (Subpart E) Added....274
67 Petitions denied and granted....2534
Interpretation letter.... 13445, 13684
Removed; eff. 1-1-88....17251
Policies and guidelines....45336
67.701 (Subpart G) Removed; text redesignated as Part 67 Appendix....21538
67.701—67.741 (Subpart G) Added....21538
67 Appendix redesignated from 67.701 (Subpart G)....21538
68.200 Introductory text revised....10231
68.318 (b) revised....43077
(b)(1) introductory text corrected....49413
69 Policies and guidelines....45336
69.2 (hh) through (mm) added....21539
Revised....37309
69.3 (e)(1) revised; (e)(9) added....21540
(a) revised; (f) added; eff. 1-1-88....26683
(a) revised; (e)(10) added....37310
69.4 (b) introductory text revised; (c) added....21540
(b) revised....37310
69.5 (d) added....21540
69.103 Revised....37310
69.104 (c) and (d) revised; (e) through (m) added....21540
69.105 (a) and (b) revised....21541
69.106 Revised....37310
69.107 Removed....37311
69.108 Removed....37311
69.115 (e)(6) revised....8259
69.116 Added; eff. 4-1-89....21541
69.117 Added; eff. 4-1-89....21541
69.201 Revised....37311
69.202 Removed....21542
69.203 Heading and (a) through (c) revised....21542
69.205 Revised....37311
69.206 Revised....37311

47 CFR—Continued

52 FR Page

Chapter I—Continued

69.207 Revised....21542
69.208 Removed....37311
69.301—69.310 (Subpart D) Revised....37312
69.401—69.414 (Subpart E) Revised....37313
69.410 Revised....21542
69.411 Added....21542
69.412 Added....21542
69.413 Added....21542
69.501 (a) revised....21542
(c) and (d) revised....37314
69.502 Revised....21542
69.601 (b) revised....21542
69.603 (c) through (f) added....21542
(g) added; eff. 1-1-88....26683
Revised....37314
69.604 (a) revised....21543
69.605 Heading and (a) revised....21543
69.612 Added....21543

1988

47 CFR

53 FR Page

Chapter I

43.21 (e) revised....47819
43.22 Existing text designated as (a); (b) added....44197
43.31 Removed....44197
43.42 (a) introductory text revised....49987
43.43 (a) revised....49987
43.71 Removed....4625
43.81 Added....12527
Filing deadlines deferred....24940
61.38 (a) revised....36289
61.39 Heading, (a), (b)(1)(i), (2)(i) and (ii), and (c) revised....36289
63.801 Added....12528
Filing deadlines deferred....24940
64 Petitions denied....27
Procedures and petitions denied....7753
Petitions denied....8629, 8630
64.401 Revised....47536
64.402 Removed....47536
64 Appendix A amended....29055
Appendix A revised....47536
Appendix B removed....47536
65.450 Added....1029
65.510 Added....1029
65.800—65.830 (Subpart G) Added....1029
65.820 (a) correctly added....26074

47 CFR—Continued

53 FR Page

Chapter I—Continued

68.318 (b)(1) introductory text corrected.....1103
69.2 (hh), (ii), (jj), and (kk) revised.....28395
(t) through (w) correctly designated.....30059
69.3 (f) revised.....36289
69.104 (l) revised.....28395
69.116 Revised.....28396
69.117 Revised.....28396
69.207 Revised.....28396

1989

47 CFR

54 FR Page

Chapter I

43.21 (e) revised.....49762
43.81 Revised.....2130
61.3 Added.....19840
61.11—61.26 Removed.....19841
61.32 Amended.....19841
61.33 (c), (d), and (e) redesignated as (d), (e), and (f); new (c) added; new (d) revised.....19841
61.38 (a) amended.....19841
61.41 Added.....19842
61.42 Added.....19842
61.43 Added.....19842
61.44 Added.....19842
61.46 Added.....19843
61.47 Added.....19843
61.48 Added.....19843
61.49 Added.....19843
61.58 (c) redesignated as (d); new (c) added; new (d)(1) introductory text revised.....19844
63.801 Removed.....2131
64 Order.....3453, 12199
Memorandum and order.....50623
64.401 Effective date corrected.....152
64.402 Removal effective date corrected.....152
64.901 (b)(4) revised.....49762
64 Appendix A corrected; Appendix A revision and Appendix B removal effective date corrected.....152
Appendix A corrected.....1471
65.1 Revised.....19844
65.600 (c) revised.....19844
65.701 (c) added.....19844
65.703 (a) and (f) revised; (g) added.....19844
65.820 Revised.....9048
65.830 Revised.....9049

47 CFR—Continued

54 FR Page

Chapter I—Continued

68.3 Amended.....21430
68.4 Revised.....21430
68.5 Added.....21430
68.224 Revised.....21431
69 Report and order.....18654
69.2 (g), (i), (l)(1), (q), (r) and (dd) amended.....3456
(ll) added.....11718
69.3 (e)(11) and (g) added; eff. 10-27-89.....39534
69.4 (b) introductory text revised; (d) added.....11718
69.5 (d) revised.....50624
69.105 (b) revised.....6293
69.107 Added.....11718
69.113 Redesignated as 69.114; new 69.113 added.....6293
69.114 Redesignated from 69.113.....6293
69.116 (a) revised.....50624
69.117 (a) revised.....50624
69.201 Revised.....6293
69.205 (d) revised.....3456
Revised.....6293
69.206 Removed.....6294
69.207 Removed.....6294
69.302 (b) revised; (b)(3) amended.....3456
69.308 Revised.....11718
69.408 Amended.....3456
69.410 Revised.....11718
69.602 (c) and (d) removed; (e) through (h) redesignated as (c) through (f); new (c) and (f) revised.....23213
69.603 Revised.....8197
(h) and (i) added.....8199
69.605 (c) revised.....11537
69.612 (c) added; eff. 10-27-89.....39534

1990

(Regulations published from January 1, 1990 through October 1, 1990)

47 CFR

55 FR Page

Chapter I

61.32 Revised.....19173
61.33 Revised.....19173
61.151 Revised.....19173
61.152 Revised.....19173
61.153 Revised.....19173
63 Comment time extended.....3741
63.03 (a)(4) revised.....20397
64 Memorandum and order.....27467, 27468, 29022

47 CFR—Continued

Chapter I—Continued	55 FR Page
Petitions for reconsideration	39152
64.201 (Subpart B) Heading revised	28916
64.201 Heading revised; introductory text, (a), (b), (1), (2), (c), and (d) redesignated as (a) introductory text, (2), (3), (i), (ii), (4), and (5); new (a) introductory text, (4), and (5) revised; (a)(1) and new (b) added	28916
64.902 Revised	30461
65 Interim rate of return	4820
68.3 Amended	28629
68.4 (a)(2) revised	28763
68.104 (a) revised	28630

47 CFR—Continued

Chapter I—Continued	55 FR Page
68.108 Revised	28630
68.112 (c)(1) removed; (c)(2), (3), (4) and (5) redesignated as (c)(1), (2), (3), and (4); (b) introductory text republished; (b)(1) revised; (b)(4) added	28763
68.213 Heading and (b) revised; (e), (f), and (g) removed	28630
69.2 (v) and (w) revised	6990
69.3 (a), (b), (e)(6) and (9) revised	6990
69.209 Added	6990
69.606 (b) revised	6990
69.612 Revised	6990

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